ONTARIO LABOUR RELATIONS BOARD

ANNUAL REPORT

1997-1998
1998-1999

Ontario

ONTARIO LABOUR RELATIONS BOARD

Chair R. O. MacDOWELL
Alternate Chair R. J. HERMAN (1995-December 1998)
M. E. CUMMINGS (January 1999 –)

Vice-Chairs

C. ALBERTYN
J. BLOCH
P. CHAPMAN
H. FREEDMAN
D. GEE
R. GOODFELLOW
B. HERLICH
J. JOHNSTON
B. McLEAN
G. MISRA
M. NAIRN
T. SARGEANT
I. STAMP
G. SURDYKOWSKI
L. TRACHUK
K. WHITAKER

Members

A. HAWARD
J. KNIGHT
G. McMENEMY
R. R. MONTAGUE
D. A. PATTERSON
H. PEACOCK
G. A. PICKELL
J. A. RONSON
J. RUNDLE

Director/Registrar Tim Parker
Deputy Registrar P. M. Grenier

Board Solicitors

K. HESHKA
R. N. LEBI
V. STELMASZYNSKI

101-00090/

ONTARIO LABOUR RELATIONS BOARD

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CHAIR'S MESSAGE

The period covered by this report (April 1, 1997 to March 31, 1999) has been a challenging one for the Board, as we have tried to maintain our reputation for timely dispute resolution, despite: resource limitations; a fluctuating and unpredictable caseload; an extraordinary volume of new legislation; and continuing organizational change. I think that, by and large, we have been successful – through the efforts of our employees, through more use of mediation, and by employing some "non-traditional" methods of litigation (especially for Bill 136 cases and for the duty of fair representation complaints that now make up more than half of our unfair labour practice caseload). However, these results have not come easily, nor without both institutional pressures and a necessary evolution in the way we do business.

Over the last couple of years, we have seen some significant changes in personnel, at both the administrative and adjudicative levels. The Office of the Registrar saw a change in leadership, and, with it, the development of the more responsible, dually-titled position of "Director/Registrar" (now held by Tim Parker). Alternate Chair Rob Herman and several other senior adjudicators left the Board to pursue private interests, forcing us to assign an expanding roster of case types to a reduced complement of adjudicators - and also forcing us to concede, reluctantly, that sometimes we simply could not "do more with less". And not only were there a number of legislative changes, but those changes involved new legislated priorities that had to be integrated into our scheduling system.

On the other hand, there were a number of accomplishments and highlights. In mid-1999 we welcomed six new Vice-Chairs, to replace some of those who had departed in 1998-99. We were able to update and consolidate our rules, so that there is now one comprehensive package for all of the statutes that we administer; moreover, this information is presented in a way that is much more "user friendly" than in previous versions. We were able to purchase new computers for virtually all of our staff, and introduce elements of a new case management system which will ultimately streamline case processing, facilitate "paperless files", and, at some point, may even permit electronic filings. We put in place an Ontario Labour Relations Board web site (***www.gov.on.ca/lab/olrb/home.htm***), that we hope will simplify access

to our rules, forms, and information bulletins, as well as provide other basic information about the Board. The web site includes the "Monthly Highlights" from the beginning of 1999, so that, over time, these case summaries will accumulate and will become an on-line "ready reference" for jurisprudential developments. We oversaw the evolution of labour relations institutions in the broader public sector, as municipalities, hospitals and school boards were restructured under Bills 136 and 160. And we comfortably absorbed the new employment standards and health and safety mandate that we inherited from the Office of Adjudication.

After almost 25 years at 400 University Avenue, the Board moved across the street to new quarters at 505 University. The move involved (and continues to involve) some growing pains as we work through the shared services arrangements with other tribunals. However, we are proud of our new location, and have welcomed the positive feedback that we received from the community. The transition was a remarkably smooth one - thanks to the hard work of all Board employees. For of course, the Board isn't just a building, old or new. It is a group of people who, despite the pressures of recent years, have done a remarkably good job of adapting and getting the job done – as have our clients, who have also had to absorb a considerable volume of change in recent years. In that regard, we want to thank the community for its patience and continuing support.

In closing, I should note that the report that you have in your hands will be the last of its type to be published by the Board. With our new technology, we anticipate an overhaul of our reporting system, producing a more timely and effective analysis of the Board's operations. Accordingly, in the twenty-first century, you should look first to our web site for an update on Board activities; so that perhaps by the end of the current reporting year, an annual message such as this one will be superfluous. You will be able to track developments at the Board "on line" and "in real time".

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I WINDOW ON THE BOARD'S OPERATIONS

The Board is an independent tribunal mandated to handle a variety of different applications, under a number of different pieces of legislation, including:

- *Colleges Collective Bargaining Act,* R.S.O. 1990, c. C.15
- *Community Small Business Investment Funds Act*, S.O 1992, c.18.
- *Crown Employees Collective Bargaining Act*, 1993, S.O. 1993, c. 38
- *Education Act,* R.S.O. 1990, c. E.2
- *Employment Standards Act*, R.S.O. 1990, c.E.14
- *Environmental Bill of Rights Act*, 1993, S.O. 1993, c. 28
- *Environmental Protection Act*, R.S.O. 1990, c. E.19 which gives the Board jurisdiction under the following legislation:

  * *Environmental Assessment Act*, R.S.O. 1990, c. E.18
  * *Environmental Protection Act*, R.S.O. 1990, c. E.19
  * *Ontario Water Resources Act*, R.S.O. 1990, c. O.40
  * *Pesticides Act*, R.S.O. 1990, c. P.11
  * *Fisheries Act*, R.S.C. 1970, c. F-14

- *Fire Protection and Prevention Act, 1997,* S.O. 1997, c.4
- *Hospital Labour Disputes Arbitration Act*, R.S.O. 1990, c. H.14
- *Labour Relations Act, 1995*, S.O. 1995, c. 1, Sch. A
- *Occupational Health and Safety Act*, R.S.O. 1990, c. O.7
- *Public Sector Labour Relations Transition Act*, 1997, S.O. 1997, c. 21
- *Public Service Act*, R.S.O. 1990, c. P.47
- *Smoking in the Workplace Act*, R.S.O. 1990, c. S.13

The Board's primary work is administering the *Labour Relations Act, 1995*, which regulates many aspects of collective bargaining in Ontario. The legislative policy underlying the Act is set out in section 2:

2. The following are the purposes of the Act:

    1. To facilitate collective bargaining between employers and trade unions that are the freely-designated representatives of the employees.

    2. To recognize the importance of workplace parties adapting to change.

    3. To promote flexibility, productivity and employee involvement in the workplace.

    4. To encourage communication between employers and employees in the workplace.

    5. To recognize the importance of economic growth as the foundation for mutually beneficial relations amongst employers, employees and trade unions.

    6. To encourage co-operative participation of employers and trade unions in resolving workplace issues.

    7. To promote the expeditious resolution of workplace disputes.

With this policy as a basis, the Act confers on the Board the authority over many important aspects of labour relations, including the certification of unions to represent employees, unfair labour practices, successor bargaining rights, strikes and lock-outs, first contract directions, jurisdictional disputes and the arbitration of grievances in the construction industry. In order to carry out this mandate, the full Board is composed of a Chair, an Alternate Chair, 14 full-time and 5 part-time Vice-Chairs, and 9 full-time Board Members. These individuals draw upon specialized expertise in labour relations in hearing and determining cases before them. The Board strives to keep its procedures informal, expeditious and fair, and to avoid being overly technical or legalistic.

Under section 114(1) of the *Labour Relations Act, 1995*, the Board has the exclusive jurisdiction to exercise the power conferred upon it and to determine all questions of fact or law that arise. Its decisions are not subject to appeal and a privative clause in the Act limits the scope of judicial review. The Board does have the power to reconsider any of its decisions, although it exercises this jurisdiction carefully in the interests of finality and fairness.

The Board is also entitled to determine its own practices and procedures and to make rules. Those rules and the forms for commencing or responding to cases are available from the Board at 505 University Avenue, 2nd Floor, Toronto, Ontario, M5G 2P1, in both paper form and computer disk.

Apart from its adjudicative function, the Board's operations can be broadly divided into administrative staff, field services, and legal services.

ADMINISTRATIVE STAFF

Registrar's Section

The Registrar is the chief administrative officer of the Board. His staff includes a Deputy Registrar, three assistants, and three administrative secretaries.

The Registrar, through the Deputy Registrar and the Case Processing Managers, supervises the Board's processing sections which process applications filed with the Board in accordance with the Board's Rules of Procedure. Every application received by the Board enters the system through the Registrar's office. Cases are scheduled by the Registrar in consultation with the Manager of Field Services, the Board Solicitors, and the Chair. The Registrar supervises the effective and speedy processing of each case, and communicates with the parties in matters relating to the scheduling of hearings or on particular problems in the processing of any given case.

Manager of Administration

The Manager of Administration is responsible for the co-ordination and efficient operation of the Board through the management of the budget, human resources functions, library, and the provision of administrative direction and common services.

Library Services

In December, 1998 the Ontario Labour Relations Board Library was merged with the Workplace Safety and Insurance Appeals Tribunal Library and the Pay Equity Commission Library to form the new Ontario Workplace Tribunals Library.

Library holdings related to the OLRB include all reported OLRB decisions from 1944 to date, all judicial reviews of OLRB decisions from 1947 to date, all bargaining unit certificates issued by the OLRB from 1962 forward, all Employment Standards appeals from 1970 to date and all Occupational Health and Safety appeals from 1980 to date. Textbooks, journals and case reports in the areas of labour, administrative and constitutional law are also held.

The OLRB Librarian provides research services to the Board and assists other library users as well as providing Board decisions to various branches of the Ministry of Labour and to Quicklaw Inc. for their databases of OLRB decisions.

FIELD SERVICES

The Board is a pioneer in the area of alternative dispute resolution. The Manager of Field Services, eleven Labour Relations Specialists and fourteen Labour Relations Officers are responsible for mediating settlements in the Board's cases. In significant measure because of their efforts, approximately 80% of the Board's cases are determined by agreement rather than by adjudication. In addition to settling cases, Labour Relations Officers assist parties in identifying issues and streamlining the cases that do get adjudicated in order to avoid unnecessary litigation. They also, along with returning officers, conduct representation votes. Through ongoing in-house training and exchanges with the Office of Mediation and private sector employers and unions, Labour Relations Officers are kept on the forefront of developments in the mediation field.

LEGAL SERVICES

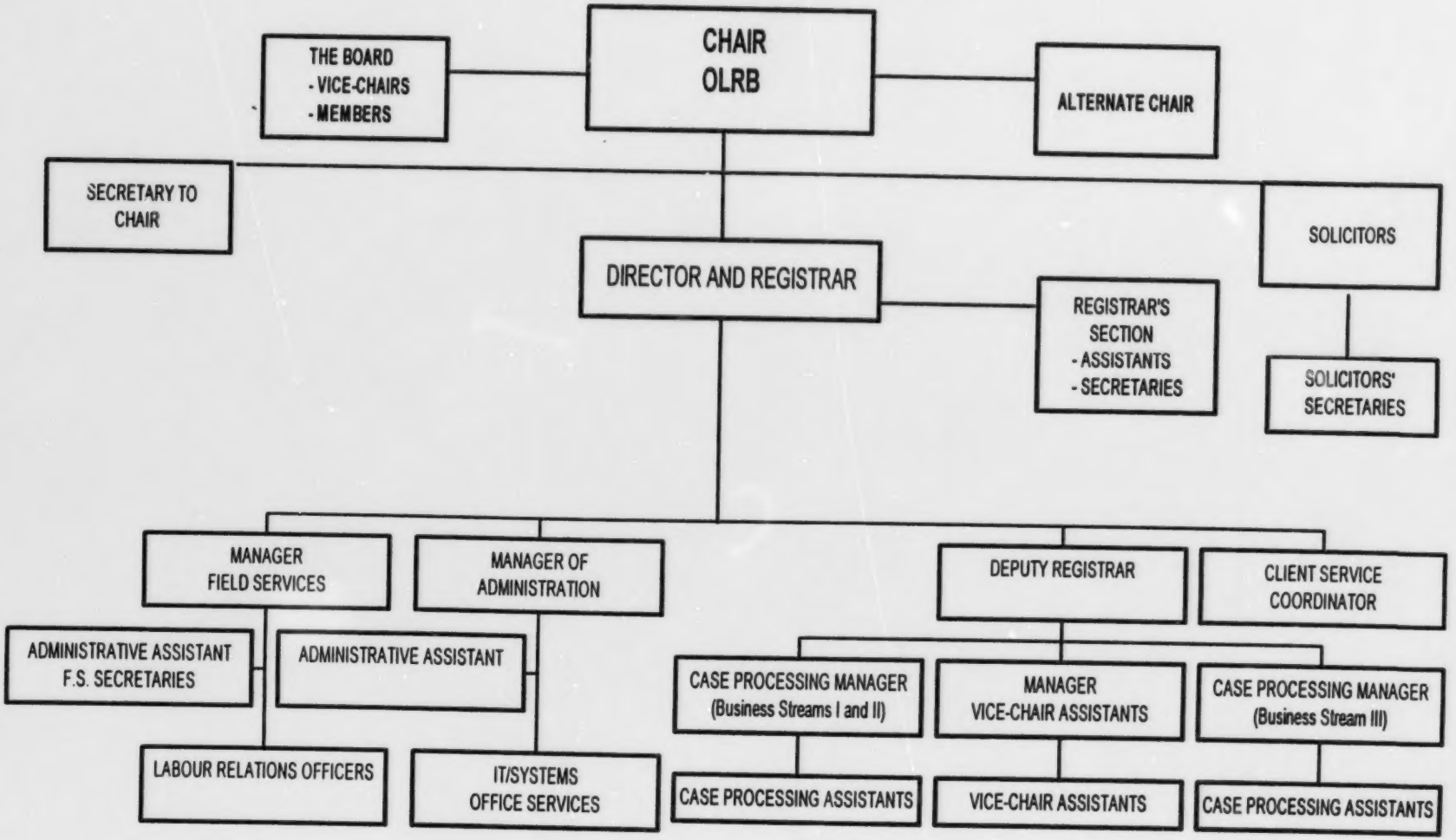
Legal Services to the Board are provided by the Solicitors' Office, which consists of three Board Solicitors who report directly to the Chair. The Solicitors provide legal research, advice, opinions and memoranda to the Chair, Vice-Chairs, Board Members, Labour Relations Officers and administrative staff. They are extensively involved in changes to the Board's rules of procedure and forms and contribute to the continuing education of staff. The Board's Solicitors also represent the Board in court proceedings, including applications for judicial review.

The Solicitors' Office is responsible for all of the Board's publications. One of the Solicitors is the editor of the Ontario Labour Relations Board Reports.

ORGANIZATIONAL CHART

An abbreviated organizational chart of the Ontario Labour Relations Board is on the following page.

ONATRIO LABOUR RELATIONS BOARD



II BOARD STAFF

ORDER IN COUNCIL APPOINTMENTS

CHAIR, ALTERNATE CHAIR, VICE-CHAIRS

Richard (Rick) MacDowell, Chair

Mr. MacDowell's educational background includes a B.A. (Honours) in Economics from the University of Toronto (1969), an M.Sc. (with Distinction) in Economics from the London School of Economics and Political Science (1970), and an LL.B. from the University of Toronto Law School (1974). He has been associated with the University of Toronto as a lecturer in industrial relations with the Department of Political Economy since 1971 and with the School of Graduate Studies since 1976. A former Senior Solicitor of the Board, Mr. MacDowell was appointed as Vice-Chair in 1979, and was alternate chair from 1987 until his appointment as Chair in September 1995. He is an experienced arbitrator and mediator in both the public and private sectors. Mr. MacDowell also has a number of publications relating to labour relations to his credit.

***Mary Ellen Cummings,** Alternate Chair (January 1999-)*

Ms. Cummings was appointed a Vice-Chair in August 1997, and Alternate Chair in January 1999. Prior to joining the Board, she held adjudicative positions at the Pay Equity Hearings Tribunal, Employment Equity Tribunal, Workers' Compensation Appeals Tribunal and Office of Adjudication. Ms. Cummings started her legal career practising labour and employment law in Toronto, after graduating from Queen's University (LL.B.) and McMaster University (B.A.)

***Robert J. Herman** Alternate Chair (1995-December1998)*

Mr. Herman was appointed a Vice-Chair of the Board in November, 1985, and Alternate Chair in 1995. He is a graduate of the University of Toronto (B.Sc. 1972, LL.B. 1976) and received his LL.M. from Harvard University in 1984. He has taught courses in various areas of law, both at Ryerson Polytechnic University and at the Faculty of Law, University of Toronto. Mr. Herman is an experienced arbitrator and mediator.

***Christopher Albertyn**, Vice-Chair*

Mr. Albertyn was appointed a Vice-Chair of the Board in October 1994. In 1997, he was appointed Chair of the Ontario Education Relations Commission and the Colleges Relations Commission. He is a graduate of the University of Witwatersrand, Johannesburg (B.A. Honours), the University of South Africa (B.Proc.) and the University of Natal, Durban (LL.B.). He was the founding Director of the Centre for Socio-Legal Studies in the Law Faculty of the University of Natal in Durban. He practised law during the period 1977 to 1988. Since that time he has practised as an arbitrator and mediator. He settled in Canada in 1993. He is on arbitration panels in Canada, South Africa and the US, and has been admitted to the

Minister's list of arbitrators of the Ontario Office of Arbitration. He is the co-author of *Alcohol, Employment and Fair Labour Practice*. He wrote the section on South Africa in *International Labour and Employment Law* (BNA Books) and has written several articles on labour law.

***Jules Bloch**, Vice-Chair*

Mr. Bloch's educational background includes a B.A. (Honours) in Political Economy from the University of Toronto (1980) and an LL.B. from the University of Windsor Law School (1984). Mr. Bloch is bilingual and practised law in the specialized field of labour relations both in Ottawa and Toronto. Between 1986 and 1990, Mr. Bloch was counsel for the Labourers International Union of North America. He has been a sessional lecturer in labour law at both the community college and the university levels. Prior to being appointed Vice-Chair at the Board in 1991, Mr. Bloch served as Vice-Chair of the Criminal Injuries Compensation Board. As well, he is an experienced arbitrator, facilitator, and mediator, has been a contributing editor of the *National Labour Review*, and is one of the authors of *Canadian Construction Labour and Employment Law*.

***Pamela Chapman**, Vice-Chair*

Ms. Chapman was appointed to the Board as a Vice-Chair in November, 1993. She is a graduate of the University of Toronto (B.A. 1983) and of Osgoode Hall Law School (LL.B. 1986). After her call to the Bar in 1988, she practised law in Toronto, first as an associate and then as a partner in a small firm specializing in labour and administrative law. Ms. Chapman has been published in the *Osgoode Hall Law Journal*. She became a part-time Vice-Chair in 1998, and also acts as a private arbitrator and mediator.

***Harry Freedman**, Vice-Chair*

Mr. Freedman returned to the Board, having been appointed a Vice-Chair in September 1998. Before his recent appointment, he was a partner with Blake, Cassels & Graydon, practising labour and employment law with that firm for almost ten years. In October, 1995, the Law Society of Upper Canada certified Mr. Freedman as a specialist in labour law. Prior to joining Blake, Cassels & Graydon in December 1988, Mr. Freedman had served as the Board's senior solicitor from April 1979 until September 1984, when he was appointed a Vice-Chair of the Board. He was called to the Bar in 1977 after receiving his LL.B. degree from Osgoode Hall Law School in 1975 and his B.A. from the University of Toronto in 1971. Mr. Freedman practised law with Warren Winkler (as he then was), Roy Filion and David Wakely before joining the Board in 1979. He has taught labour law and collective bargaining at Ryerson Polytechnic University, an arbitration course at Osgoode Hall Law School and for several years was an instructor in public law in the Bar Admission Course. He has authored several papers, including "Securing the Attendance of Witnesses Before Labour Relations Tribunals" (1990), 11 *The Advocates Quarterly* 355. Mr. Freedman is an experienced and active arbitrator and mediator.

***Diane Gee**, Vice-Chair*

Ms. Gee was appointed to the Board as a Vice-Chair in January, 1994. She did her undergraduate work at the University of Toronto (B.A. 1983) and graduated with an LL.B. from Osgoode Hall Law School in 1986. Upon her call to the Bar in 1988, Ms. Gee practised labour law. She has also taught courses in the area of labour law at Ryerson Polytechnic University.

***Russell Goodfellow**, Vice-Chair*

Mr. Goodfellow's educational background includes an LL.B. and a B.A. from the University of Western Ontario, and an LL.M. from the University of Cambridge in public law. He served as a law clerk to the Chief Justice of the High Court of Ontario after his call to the Bar in 1987, and practised labour law in Toronto until his appointment to the Board in 1993. Mr. Goodfellow became a part-time Vice-Chair in 1995, and also acts as a private arbitrator and mediator.

***Bram Herlich**, Vice-Chair*

Mr. Herlich was appointed to the Board as a Vice-Chair in 1989. He is a graduate of McGill University (B.A. 1972, M.A. 1977) and Osgoode Hall Law School (LL.B. 1982). Prior to joining the Board, he practised labour law with a Toronto firm and also acted as in-house counsel.

***Janice Johnston**, Vice-Chair*

Ms. Johnston joined the Labour Relations Board as a Vice-Chair in September, 1990. She graduated with a B.A. in History from Wilfrid Laurier University and then obtained her LL.B. from the University of Western Ontario Law School. After her call to the Bar in 1981, Ms. Johnston practised labour law as in-house counsel. Ms. Johnston comes to the Board with extensive experience in public sector labour relations.

***Brian McLean**, Vice-Chair*

Mr. McLean was appointed as a Vice-Chair in July, 1998. He attended the University of Victoria and is a graduate of Osgoode Hall Law School at York University. Mr. McLean practised labour law in Toronto for eight years until his appointment to the Board. He is co-author of the *Collective Agreement Handbook*.

***Gail Misra**, Vice-Chair*

Ms. Misra was appointed to the Board as a Vice-Chair in January, 1994. She is a graduate of Wilfrid Laurier University (B.A. 1986) and Osgoode Hall Law School (LL.B. 1989) and received an LL.M. in Alternative Dispute Resolution from Osgoode Hall Law School (1998). Prior to joining the Board, Ms. Misra practised labour law with a Toronto law firm.

***Marilyn Nairn**, Vice-Chair*

Ms. Nairn was appointed to the Board as a full-time Vice-Chair in July 1989. She is a graduate of the University of Winnipeg (B.A. Econ., 1977) and the University of Ottawa (LL.B. Cum Laude, 1980). Upon her call to the Bar she practised labour law until joining the Board as solicitor in 1987. Ms. Nairn has taught labour law and collective bargaining at Ryerson Polytechnic University, and has lectured in labour relations at George Brown College and York University. In July 1998, Ms. Nairn became a part-time Vice-Chair and commits half of her time to the Board while also continuing to provide private arbitration and mediation services.

***Tim Sargeant**, Vice-Chair*

Mr. Sargeant was appointed as a Vice Chair in March, 1996. He is a graduate of Yale University (B.A.), Osgoode Hall Law School (LL.B.) and the London School of Economics (LL.M.), He is also a Queen's Counsel. For many years, Mr. Sargeant practised labour law in Toronto. Prior to his appointment, Mr. Sargeant was acting as a private arbitrator.

***Inge M. Stamp**, Vice-Chair*

Ms. Stamp joined the Labour Relations Board in August, 1982 as a full-time Board Member representing management. In September of

1987, she was appointed a Vice-Chair. Ms. Stamp comes to the Board with many years experience in construction industry labour relations. She also represented the Industrial Contractors Association of Canada during province-wide negotiations as a member of several employer bargaining agencies.

George Surdykowski, Vice-Chair

Mr. Surdykowski joined the Board as a Vice-Chair in June 1986. He is a graduate of the University of Waterloo (B.E.S. 1974) and Osgoode Hall Law School (LL.B. 1980). After his call to the Bar in 1982, Mr. Surdykowski practised law in Toronto until his appointed to the Board.

Laura Trachuk, Vice-Chair

Ms. Trachuk's educational background includes an LL.B. and an M.A. from the University of Toronto, and a B.A. from the University of Guelph. She then practised labour law, including a comprehensive range of labour litigation including labour and employment law, human rights, occupational health and safety, pay equity, workers' compensation, and employment equity until her appointment to the Board. Ms. Trachuk has published joint research papers in the areas of human rights, workers' compensation, and the impact of pay equity on collective bargaining.

Kevin Whitaker, Vice-Chair

Mr. Whitaker was appointed to the Board in 1995. He is a graduate of Queen's University (B.A.-B.P.H.E., 1979) and Osgoode Hall Law School (LL.B., 1984). Upon his call to the Ontario Bar in 1986, Mr. Whitaker practised labour law with a large Toronto general practice law firm. He was then Senior Counsel to the Workers' Compensation Appeals Tribunal. From 1989 to 1995, Mr. Whitaker was a senior partner with a law firm specializing in labour law. He has lectured and written on labour matters and is an arbitrator and mediator.

MEMBERS REPRESENTATIVE OF LABOUR AND MANAGEMENT

Alan Haward

Mr. Haward came to the OLRB from the Heat and Frost Insulators and Asbestos Workers, Local 95. Mr. Haward served a four-year apprenticeship, followed by just over fourteen years as a Journeyman Insulator. During his almost nineteen years with the Insulators, he held many offices with his Local Union, such as Steward, Health and Safety Representative, Recording Secretary, Executive Board, Treasurer, and also as an Apprentice Instructor. For the four-and-a-half years prior to joining the OLRB in April of 1998, Mr. Haward worked as a full-time Business Representative and Organizer.

Jerry Knight

Mr. Knight joined the OLRB in 1997. Prior to coming to the Board, he was the Director of Labour Relations for Canadian Highways (1994-1997) and General Manager of the Electrical Power Systems Construction Association (1986-1993). He is a graduate of the University of Guelph (Business and Economics, 1972). Mr. Knight has extensive experience in collective agreement

negotiations and administration in a number of sectors of the construction industry.

George McMenemy

Mr. McMenemy was appointed a full-time Board Member representing labour in November of 1992. Prior to that, from 1983 to his appointment, he was the Business Manager of Glaziers' Local 1795 and Local 1824 of the Painters' Union. While in that position, he also served as Recording Secretary of the Kitchener Building Trades, Vice-President of the Ontario Council of the C.F.L. and a trustee of the Ontario Glaziers Benefit Trust Funds. Over the years he has been involved in many community activities, committees and boards. He is currently a member of the Burlington Public Library Board, a volunteer at the Workers Art and Heritage Centre and an active alumnus of the Governor General's Canadian Study Conference.

Rene R. Montague

In March of 1986, Mr. Montague was appointed a full-time Board Member representing labour. A member of the United Auto Workers (now Canadian Auto Workers) for many years, Mr. Montague maintained many responsible positions in the union, including plant chairperson of Northern Telecom. He has extensive arbitration and bargaining experience. In 1985, Mr. Montague was elected to the Executive Committee of the United Way of Greater London and was a member of the Board of Directors and Campaign Committee of the United Way.

David A. Patterson

Mr. Patterson was appointed a full-time Board Member representing labour in April, 1986. A member of the United Steelworkers of America for many years, a miner by trade, he advanced through the ranks of his Union to become President of Local 6500, USWA from 1976 to 1981, and Director, District 6, USWA in Ontario from 1981 to 1986. He was elected Vice-President-at-large of the Canadian Labour Congress from 1982-1986 and was a member of the Board of Directors of the M.A.P.A.D. Mr. Patterson also served on the Premier's Advisory Committee, the Ontario Labour-Management Study Group.

Hugh Peacock

Mr. Peacock was appointed a full-time Board Member representing labour in November, 1986. Prior to joining the Board, he was Legislative Representative for the Ontario Federation of Labour. He came to the O.F.L. after having been the Woodworkers' Education and Research Representative (1960-61), working in the UAW Canada Research Department (1962-1967), and having been a negotiator for the Toronto Newspaper Guild (1972-1976). Mr. Peacock was a member of the Ontario Legislature, representing Windsor West (NDP) from 1967 to 1971. He is Past President of the Oshawa Uptown Friday Night Early Birds Bowling League and is currently an Officer and Director of several volunteer community service organizations.

Glenn A. Pickell

Mr. Pickell was appointed a full-time Board Member representing Management in April, 1998. He has an extensive background as Labour Relations Manager with Shell Canada, responsible for establishing a management bargaining agenda for operating plants as well as labour contracting strategies for new facilities. Prior to joining Shell in 1980, Mr. Pickell was Manager of Construction Labour Relations for Ontario Hydro and General Manager of the Electrical Power Construction

Association (ESPCA). In this latter capacity he developed bargaining strategies for a multi-employer, province-wide collective agreement for the electrical power sector of the construction industry. Mr. Pickell has provided consultation services to Contractor Associations and International Unions to provide an Owner-Client perspective to their discussions, and has lectured on labour issues for the Project Management program at the University of Calgary.

James A. Ronson

Mr. Ronson has been a full-time Board Member representing management since 1978. A graduate of the University of Toronto, he received his B.A.Sc. degree (Mining Engineering) in 1965 and an LL.B. degree in 1968. Prior to joining the Board, he practised law in Toronto for ten years.

Judith Rundle

Ms. Rundle has been a full-time Board Member representing management since July 1986. Prior to joining the Board, Ms. Rundle worked in the health care field in the area of human resources management.

ADMINISTRATION

***Tim Parker**, Director/Registrar*

Mr. Parker was appointed to the position of Director and Registrar in September 1997, after serving as the Board's Registrar since July of the same year. Prior to becoming Director/Registrar, Mr. Parker was a Labour Relations Officer with the Board. He has also served as a Mediator-Specialist with the Office of Mediation, Labour Management Services (Ministry of Labour). Prior to joining the OLRB, Mr. Parker was with the Employment Standards Branch of the Ministry of Labour. He has extensive experience in collective bargaining, grievance mediation, labour relations and employment law, and has acted, frequently, as a mediator and mediator/arbitrator for parties in the private and public sectors. Mr. Parker is a former senior partner with a private sector firm specializing in mediation and arbitration of employment and labour disputes. He is a graduate of the University of Toronto (1985).

***Patricia M. Grenier**, Deputy Registrar*

Ms. Grenier joined the Board in 1990 as Deputy Registrar. Her educational background includes a combined Honours B.A. in Political Studies and French Language and Literature from the University of Guelph (1972) and a Master of Library Science from the University of Western Ontario (1973). After receiving her MLS, Ms. Grenier practised her profession at the London Public Library, the University of Guelph Library and at the Ministry of Education, where she managed the Information Centre. Subsequently Ms. Grenier managed the Correspondence unit at the Ministry of Education, before taking up a position with the Education Relations Commission as a Field Services Officer. Ms. Grenier has been published in the American Library Association's *Documents to the People* (1979-1981) where she contributed a monthly column, "News from Canada". She also served as the National Editor (Canada) for the

international journal *Government Publications Review* (1985-1991).

***Kris Heshka,** Solicitor*

Ms. Heshka is a graduate of the University of Manitoba (1987) and the University of Ottawa Law School (1992). She began her legal career as an articling student at the OLRB and joined the Board as a Solicitor in 1994. Prior to coming to the Board, Ms. Heshka worked as a legal editor at Lancaster House, a reporting and publishing house specializing in all aspects of workplace law.

***Ronald N. Lebi,** Solicitor*

Mr. Lebi has been a solicitor with the Board since 1991. He is a graduate of Osgoode Hall Law School (LL.B.) and Carleton University (B.A. and M.A.). Prior to joining the Board, Mr. Lebi worked as a staff lawyer with the Ontario Nurses' Association and the Food and Services Workers of Canada. He also spent two years as a member of the faculty at Osgoode Hall Law School teaching labour relations in the public sector and legal research and writing.

***Voy Stelmaszynski,** Solicitor*

Mr. Stelmaszynski joined the Board in 1997. Prior to joining the Board, he was Legal Counsel to the Office of Adjudication, a Ministry of Labour agency responsible for employment standards and occupational and health and safety appeals, and a Solicitor at the Ministry of Housing. In addition to his law degree (Windsor, 1989), he holds a M.A. in Slavic Languages and Literatures (Toronto, 1977). Mr. Stelmaszynski has been a language instructor and translator-interpreter (Polish). He has several publications as a translator to his credit. He is also an instructor in the Public Law section of the Bar Admissions Course.

FIELD SERVICES

***Peter Gallus**, Manager of Field Services*

Mr. Gallus joined the Board as Manager of the Board's mediation division in the summer of 1994. Prior to coming to the Board, he was Registrar of the Pay Equity Hearings Tribunal, and then Registrar of both that tribunal and the Ontario Human Rights Boards of Inquiry. He has also been the Co-ordinator of the Administrative Merger of the Pay Equity Hearings Tribunal, Ontario Human Rights Boards of Inquiry and Employment Equity Tribunal, as well as a Labour Relations Officer at the Board. Before joining the public service, Mr. Gallus was a union representative in the university sector and at the CBC.

LABOUR RELATIONS SPECIALISTS

James Bowman

Mr. Bowman joined the Labour Relations Board in 1976 as a Labour Relations Officer. Prior to coming to the Board, he attended the University of Waterloo (Honours, History, 1970) and Osgoode Hall Law School. In 1988, Mr. Bowman was appointed Deputy Registrar of the Ontario Labour Relations Board. He returned to the Field Staff in 1991.

Fernando Da Silva

Mr. Da Silva joined the Board's Field Services as a Labour Relations Officer in 1990. Prior to coming to the Board, he served as Director of Organizing for a major trade union. In addition, his responsibilities included grievance processing up to and including arbitration, and contract negotiations. Over the past nine years, Mr. Da Silva has established himself as a professional neutral in the Labour Relations and Employment Law field and acts as a private mediator in both the private and public sector.

Wayne Davis

Mr. Davis joined the Board as a Labour Relations Officer in July 1984, after more than twenty years' experience in industrial labour relations. His background includes grievance processing up to and including arbitration, and contract negotiations. Mr. Davis graduated from the personnel/industrial relations program at McMaster University in 1971.

Barbara Dresner

Ms. Dresner is a graduate of Michigan State University. Prior to joining the Board as a Labour Relations Officer, in 1985, she was a consultant with the Ontario Quality of Working Life Centre.

Dale Gordon

Ms. Gordon joined the Board in the fall of 1977 and progressed through various positions before re-locating to the Employment Standards Branch of the Ministry of Labour in September, 1980. She returned to the Board in February 1984 as a Returning Officer. She later became a Labour Relations Officer and is currently a Labour Relations Specialist.

Ed Hunt

Mr. Hunt joined the Board as a Labour Relations Officer in 1984. Prior to coming to the Board, he held various offices within the United Electrical Workers Union while working at Westinghouse Canada in Hamilton. In 1974, he was appointed National Representative, and was responsible for administering collective agreements, contract negotiations, and representing the union's members in occupational health and safety, workers' compensation, and unemployment insurance matters.

William Jackson

Mr. Jackson joined the Board as a Labour Relations Officer in 1984, after spending several years as an investigator-conciliator with the Ontario Human Rights Commission. A former director with the Arbitration and Mediation Institute of Ontario, he is involved in a wide variety of dispute resolution activities. Mr. Jackson is bilingual, and has a B.A. in Political Science from the University of Waterloo.

Frank Reilly

Mr. Reilly joined the Board as a Labour Relations Officer in 1988. Educated in Scotland, he has worked in both business and the trade union movement.

Janet J. Ruzycki

Ms. Ruzycki (née Greenberg) joined the Board as a Labour Relations Officer in February 1987. She did her undergraduate work at McGill University in Montreal, and graduated from Queen's University in Kingston with a Master's Degree in Public Administration in 1981. Prior to joining the Board, Ms. Ruzycki worked in a wide variety of human resources, compensation and labour

relations positions with both the Saskatchewan Public Service Commission and the St. Lawrence Seaway Authority. She is bilingual and practises in a wide range of dispute resolution activities.

Alex Vigar

Mr. Vigar began his business career with the Board in 1971. He has held a number of supervisory positions at the Board, including heading up the Accreditation section of the Construction Industry, supervisor of the Certification and Representation section, and Computer Programme Analyst. Since 1980, Mr. Vigar has established himself as a neutral mediator through his role as a Labour Relations Officer.

Patrick Whyte

Mr. Whyte joined the Board as a Labour Relations Officer in June, 1981 and, except for a two-year period as a Senior Labour Relations Officer with Canada Post, has been acting in that capacity ever since. He was a member of the Retail, Wholesale, Department Store Union for many years and served as Chair and Executive Treasurer of the Dominion Store unit of Local 414. Over the past several years, Mr. Whyte has established himself as a professional neutral in the labour relations field, and frequently acts as an arbitrator.

CONSTRUCTION CO-ORDINATOR

Warren Cox

Mr. Cox joined the Board as a Labour Relations Officer in 1993. As the Construction Co-ordinator, his primary responsibility is to mediate grievances in the construction industry. For several years prior to coming to the Board, he was Business Agent with the International Association of Bridge, Structural and Ornamental Ironworkers, Local 721.

LABOUR RELATIONS OFFICERS

Patricia S. Bucik

Ms. Bucik joined the Board's Field Services in November of 1990. Prior to coming to the Board, Ms. Bucik was employed in the Labour Relations Field in the grocery retail/distribution industry.

Joyce Caldwell

Ms. Caldwell joined the Board's Field Services in 1994. She did her undergraduate work at Brock University, and graduated from the University of Toronto with a Masters Degree in Industrial Relations in 1986. Prior to joining the Board, Ms. Caldwell worked in a variety of human resources, compensation and labour relations positions, primarily in the broader public sector.

Ron Davidson

Mr. Davidson had thirty-eight years' experience in most aspects of labour relations when he joined the Board in May 1998. A native of Australia, he was the Secretary-Treasurer of the Sydney local of the Federated Iron Workers Association with a membership of 17,000. He was awarded the Winston Churchill Scholarship, which enabled him to graduate from the Harvard University Trade Union Programme in 1969 and received leadership grants to continue further studies in the USA and Europe. He has been an organizer and staff representative with the Service Employees International Union before becoming the Canadian Director of Organizing and later the Canadian Regional Director. He also spent some time as co-ordinator of the Metro Toronto Hospitals for the Canadian Union of Public Employees and

prior to coming to the Board, he was the Negotiations Supervisor for the Ontario Public Service Employees Union.

Fred Heerema

Mr. Heerema has been with the Board as a Labour Relations Officer since April, 1998. Immediately prior to coming to the Board he served as a mediator and mediation trainer with the Dispute Resolution Group of the Financial Services Commission of Ontario. He and the entire Dispute Resolution Group received the Amethyst Award for outstanding achievement by Ontario public servants during his time with the Group. Prior to that he worked as a lawyer specializing in labour relations and employment law with the Toronto law firm of Miller Thomson and as a union representative with the Christian Labour Association of Canada.

Ingrid Joseph

Ms. Joseph joined the Board's Field Services section as a Labour Relations Officer in 1997. Prior to coming to the Board, she held several positions within the Ontario Public Service, among which were those of an Employment Standards Officer with the Employment Practices Branch and Grievance Mediation Officer with the Office of Arbitration. She is a graduate of St. Stephen's College, Trinidad.

Michèle Lapointe

Ms. Lapointe joined the Labour Relations Board in 1991. She is a graduate of Laval University (Industrial Relations (Honours), 1988) and held a variety of positions in industry in Human Resources and Labour Relations. She is a designated Bilingual Officer.

Jack MacDonald

Mr. MacDonald joined the Field Staff of the Board in 1971, following an extensive career in the Employee Relations area of Canada Packers Limited where he was actively involved in contract administration, negotiation, conciliation, and arbitration proceedings. In 1976, Mr. MacDonald was promoted to the position of Senior Labour Relations Officer and in 1981 to the newly created position of Manager of Field Services, a position he held until his retirement. Mr. MacDonald continues to work at the Board in the capacity of a Labour Relations Officer.

Michelle McPhee

Ms. McPhee joined the Board's Field Services as a Labour Relations Officer in May, 1998. She is a graduate of the University of Western Ontario (LL.B., 1984). She has held a variety of positions with trade unions.

Joan Shirlow

Ms. Shirlow joined the Board's Field Services as a Board Officer in February, 1995. For the six years prior to coming to the Board, she was Registrar of the Crown Employees Grievance Settlement Board, the Ontario Public Service Grievance Board and the Classification Rating Committees. Ms. Shirlow has over 24 years experience in administrative management in the Ontario Government. She has a degree in Sociology from York University and a Certificate in Public Administration from Ryerson Polytechnic University.

Paul Simon

Mr. Simon joined the Board's Field Services as a Labour Relations Officer in January 1995. Prior to joining the Board, Mr. Simon worked in the labour relations field, during which time

he negotiated many collective agreements and participated in many grievance settlements and arbitrations. Earlier in his career, Mr. Simon served as Unit Chair of his bargaining unit under the Energy and Chemical Workers Union, where he oversaw local negotiations and grievances and participated in joint labour/management meetings.

Lorne Slotnick

Mr. Slotnick was called to the Ontario Bar in 1979. He then worked for ten years as a journalist. In 1989, he joined the staff of the Southern Ontario Newspaper Guild, negotiating collective agreements and representing employees in grievances and arbitrations. He also served as a part-time adjudicator with the Human Rights Board of Inquiry, 1992-1998. He joined the Board on a temporary contract in April 1998, while completing the Ministry of Labour's Arbitrator Development Programme.

Bob Wright

Mr. Wright joined the Board in May, 1998. He is a graduate of the University of Western Ontario: B.A. Honours (Philosophy, 1980), M.A. (Philosophy, 1981) and LL.B. (1993), and is currently completing the LL.M. program in Alternative Dispute Resolution at York University. Prior to joining the Board, Mr. Wright practised labour, employment and school board law as an associate of a Toronto firm.

III ONTARIO LABOUR RELATIONS BOARD: HISTORY AND OVERVIEW

From its inception as Canada's first "Labour Court" to its most recent incarnation, the Ontario Labour Relations Board administers a variety of employment and labour relations-related statutes with a view to promoting safe, fair and harmonious conditions in Ontario's workplaces.

The Board had its beginnings in 1943, when the Ontario Legislature passed the *Collective Bargaining Act*, one of the first attempts in Canada to institute an effective scheme of compulsory collective bargaining. This legitimized collective bargaining in Ontario under the Ontario Labour Court, which was a division of the Supreme Court of Ontario. At the same time, it abolished the common law doctrines of conspiracy and restraint of trade as they had been applied to trade unions, and gave employees a right to participate in union activity. A union was permitted to apply for certification as the bargaining agent for a group of employees. The Court had power to ascertain the appropriate unit for the purpose of collective bargaining.

The Act contained several features which are standard in labour relations legislation today: management dominated organizations could not be certified, managerial employees were excluded from the Act, employers could not discriminate against employees for participation in union activity, employers were required to recognize a certified bargaining agent, and there was a duty to bargain in good faith. The Labour Court had broad remedial powers - something which the Ontario Labour Relations Board would not have for many years. The Labour Court was the only forum for resolution of disputes arising under a collective agreement.

The Ontario Labour Court was to have a short life span, attributable to a number of factors: the prohibitive cost of proceedings; the Judges' apparent dislike of labour matters, and most importantly, the federal government's decision to control labour relations matters during World War II. The Ontario Labour Court was replaced by the Ontario Labour Relations Board, pursuant to *The Labour Relations Board Act, 1944*, which was still subject to the federal Wartime Labour Relations Board.

Following the Second World War, the division of powers between the federal and provincial governments was re-established, and labour relations were returned largely to the hands of the provincial legislatures.

In 1947, the Ontario Labour Relations Board became independent of the Federal Government. The next year, *The Labour Relations Act, 1948* empowered the Lieutenant-Governor in Council to make regulations "in the same form and to the same effect as that ... Act which may be passed by the Parliament of Canada at the session currently in progress..." This Act was basically transitional in nature, since work was already under way on the drafting of separate provincial legislation, which made its first appearance in *The Labour Relations Act, 1950.*

A major function of the Board was, and to a great extent still remains, certifying trade unions as bargaining agents.

The history of the Board is largely a history of the acquisition of new powers and functions, as new ways of dealing with the problems inherent in industrial relations developed. Initially, however, the Board's role was fairly limited. There was no enforcement mechanism at the Board's disposal in 1950. The major enforcement method was prosecution, in which case the Board had to grant consent to prosecute. The Board had the power to declare a strike or lock-out unlawful, but this in itself fell short of being a very complete remedy. In a situation where an individual had been refused employment, discharged, discriminated against, threatened, coerced, or otherwise dealt with contrary to the Act, the appropriate remedy lay in an inquiry by a conciliation officer who then reported to the Minister who in turn could make an appropriate order.

Thus, outside of granting certifications and decertifications, the Board's power was quite limited. The power to make certain declarations, determinations, or to grant consent to prosecute under the Act was remedial only in a limited way. Of some significance during the fifties was the Board's acquisition of the power to grant a trade union "successor" status. In 1962, the complementary section providing for the preservation of bargaining rights in the case of "successor employers" was passed and was later expanded so as to preserve existing collective agreements.

In 1960, the Board received the authority to order reinstatement, with or without compensation. In conjunction with this new power was the power to designate a field officer to investigate complaints. The Board's reinstatement and compensation orders could be filed in the Supreme Court of Ontario and were enforceable as orders of that Court. The Board also received the power to refer jurisdictional disputes to a new jurisdictional disputes commission which had the power to make interim orders or directions. The Board was given limited power to review the directions. As with the Board's reinstatement and compensation orders, the interim orders could be filed with the Supreme Court and thus become enforceable as orders of that Court. The Board also received the power to set a terminal date for filing membership evidence and evidence opposing certification, and the discretion to refuse to "carve out" a craft unit where there was a history of industrial organization in a plant. In 1960, provision was also made for pre-hearing representation votes.

In 1962, the construction industry was given a separate but somewhat similar regime under the Act. Provision was made for determination of bargaining units by reference to geographic areas rather than particular projects. Labour policy with regard to the construction industry has continued to evolve. Legislation was introduced in 1977 to provide for province-wide bargaining in the industrial, commercial and institutional ("ICI") sector.

In 1970, the Board received a significant extension to its remedial authority. Provision was made for authorization of a Labour Relations Officer to inquire into certain complaints with a view to settling the matters. The most interesting addition to the situation in which the Board would make remedial orders was in the case of a breach of the newly created

"duty of fair representation". This duty, imposed on trade unions, required them not to act in a manner that was arbitrary, discriminatory, or in bad faith in their representation of employees for whom they held bargaining rights. More recently, this duty has been extended to cover referral of persons to work. The Board also received the power to make "cease and desist" orders with respect to unlawful strikes and lock-outs in the construction industry, which could be filed with the Supreme Court and be enforceable as orders of the Court.

A major increase in the Board's remedial powers under the Labour Relations Act occurred in 1975. A settlement reached by the parties and put into writing was binding on the parties, and a breach of such settlement could be dealt with in the same fashion as a breach of a provision of the Act. The Board's remedial powers were extended to all violations of the Act, and orders of the Board were enforceable in the same way that an order of the Supreme Court was enforceable. The Board also received authority to make "cease and desist" orders with respect to any unlawful strike or lock-out. It was in 1975 as well, that the Board's jurisdiction was enlarged to enable it to determine grievances in the construction industry referred to it by one of the parties to a collective agreement.

In June 1980, compulsory check-off of union dues was introduced, as was the entitlement of all employees in a bargaining unit to participate in ratification and strike votes. Provision was also made for the Minister of Labour to direct a vote of the employees in a bargaining unit on their employer's final offer at the request of their employer. In June 1983, section 78 was introduced into the Act, prohibiting strikes related to misconduct and the engaging of, or acting as, a professional strike-breaker. To date, the Board has not been called upon to interpret or apply section 78.

Amendments in 1984 gave the Board explicit jurisdiction to deal with illegal strikes or threats of illegal strikes, and permitted a party affected by an illegal strike to seek relief through the expedited procedures in sections 100 and 144, rather than the more cumbersome process under section 96. The Act also permitted the Board to respond in an expedited fashion to illegal agreements or arrangements which affect the ICI sector of the construction industry. It further established an appropriate voting constituency for strike, lock-out and ratification votes in that sector, and provided a procedure for complaints relating to voter eligibility to be filed with the Minister of Labour.

In May 1986, first contract arbitration was introduced into the Act. Where negotiations had been unsuccessful, either party could apply to the Board to direct the settlement of a first collective agreement by arbitration. Within strict time limits, the Board was to determine whether the process of collective bargaining had been unsuccessful under a number of enumerated grounds. Where a direction was given, the parties had the option of having the Board arbitrate the settlement.

In December 1986, the *Labour Relations Act* was brought into line with the *Human Rights Code, 1981* and the *Canadian Charter of Rights and Freedoms*. The provisions prohibiting the Board from certifying a trade union which discriminates, and deeming an agreement not to be a collective agreement if it discriminates, were amended to include any ground of discrimination prohibited by those two statutes.

In 1990, fines under the *Labour Relations Act* were increased: for a breach of the Act, fines for any individual were doubled to $2,000 and those for a corporation or trade union were increased to $25,000.

In December 1991, amendments to the Act increased the terms of province-wide agreements in the ICI sector of the construction industry from two to three years, prohibiting the counting of ballots in province-wide agreement ratification votes until all voting in the province is completed, and provided for the establishment of a corporation to facilitate collective bargaining and otherwise assist the sector.

On January 1, 1993, amendments extended the application of the Act to domestic workers and certain categories of professionals, and allowed security guards to join the union of their choice. They also provided that regulations may be made that would make the Act apply to agricultural workers.

Employees and union officials were entitled to engage in organizing and picketing activities on private property normally open to the public (such as a shopping mall) in defined circumstances. Provision was made for an expedited hearing on a complaint that a person was illegally discharged or disciplined during an organizing drive.

The Act altered the certification process through which unions obtain bargaining rights. The requirement of a membership fee was eliminated. The level of union support necessary for a representation vote (to determine whether a union would be certified to represent the employees) was reduced from 45 percent of employees in the bargaining unit to 40 percent. The standard for certifying a trade union when an employer had contravened the Act such that the true wishes of employees about being represented by the union were not likely able to be ascertained was changed: the requirement that the union have support adequate for collective bargaining was removed.

The Board was given the power to combine two or more bargaining units involving the same employer and union. A bargaining unit consisting of full-time and part-time employees was deemed to be an appropriate unit.

While the Board retained the power to direct that a first contract be settled by arbitration, on the same grounds that existed before the amendments came into force, it no longer had jurisdiction to settle the terms of the first contract itself. Parties could apply to the Minister for a first contract arbitration. Access to arbitration was automatic 30 days after it became lawful to strike or lock-out.

The amendments prevented an employer from using the services of various categories of replacement workers to do the work of employees in a bargaining unit that was locked out or on strike that had the support of 60 percent of employees who voted in a secret ballot. Provision was made for certain types of essential work to be done. During a strike or lock-out, employment benefits for employees were continued if the union offered to make the

payments to maintain them. A protocol governing the return of employees to work after a lock-out or strike was set out.

Employees were given "just cause" protection against being discharged or disciplined after the union is certified, during the life of a collective agreement, and after the expiry of the agreement until a new collective agreement is signed.

The amendments extended the scope of successor rights to cover the sale of a business that was previously subject to federal labour law, and to cover transfers of work in the building contract services sector (e.g., cleaning, food, and security). The successor rights provisions, which previously continued bargaining rights and collective agreements upon the sale of a business, were extended so that the successor employer was bound to all other labour relations proceedings and collective bargaining notices.

The amendments provided the Ontario Labour Relations Board with additional procedural powers, including the power to make interim orders, and with an additional remedial authority to settle terms of the collective agreement in the case of a breach of the duty to bargain in good faith. They also created a new process for the resolution of jurisdictional disputes between unions.

In January 1994, the Act was amended to increase the participation of local unions in collective bargaining by providing for shared bargaining rights between local trade unions and parent unions. It also provided for the appointment of trustees of employment benefit plans by local unions, and, unless there is just cause, prohibited a parent union from altering a local union's jurisdiction, interfering with a local union's autonomy, or penalizing a local union official or member of the local.

In February 1994, the Board was given jurisdiction over collective bargaining in the public service through the enactment of the *Crown Employees Collective Bargaining Act, 1993*. "CECBA" provided Crown employees with the right to strike, along with provisions to ensure that essential services would be maintained during a strike or lock-out. The *Public Service Act* was amended to provide a new scheme governing political activity of Crown employees, and to give the Board jurisdiction over some complaints that employees suffered adverse consequences for engaging in permitted political activity.

In June 1994, collective bargaining in the agricultural and horticultural industries was introduced, then repealed the following year.

In November 1995, *the Labour Relations and Employment Statute Law Amendment Act, 1995* ("Bill 7") repealed the *Labour Relations Act* and enacted the *Labour Relations Act, 1995*, reversing many of the recently made amendments: bargaining units that were combined were automatically divided unless the employer and union agreed otherwise. Bargaining rights and collective agreements covering professionals to whom the Act's coverage had been extended were terminated. Security guards were given only limited access to broader workplace bargaining units.

Significant changes were made to the certification process. The card-based certification system was eliminated and replaced with a vote-based scheme. The Board is required to hold a representation vote in certification applications where at least 40 percent of employees in the proposed bargaining unit appear to be members of the applicant union, and is required to hold the vote within five days of the application unless the Board directs otherwise. The amendments impose an automatic one-year bar on a union against re-applying for the employees in the original application if it loses a certification vote or withdraws its application after the vote is held. The bar is discretionary if the union withdraws its application before the vote is held. The Board may now refuse to certify a union if it contravenes the Act such that the true wishes of employees about being represented by the union are not likely able to be ascertained and no other remedy would counter the effects of the contravention.

The amendments lowered the level of support that is required to get a vote in a termination application from 45 percent of employees in the bargaining unit to 40 percent. The requirement that the evidence in support of a termination application be proven to be voluntary was removed, but the Board may dismiss an application if the employer or person acting on behalf of the employer initiated the application or engaged in threats, coercion or intimidation in connection with the application.

The Act now stipulates that a collective agreement does not take effect until it is ratified by a vote of the employees in the bargaining unit (unless the agreement is an arbitrated contract, the result of a last offer vote, or involves construction industry employees). Similarly, except in the construction industry, a strike is not lawful unless a vote is held among the employees and a majority of voters support it.

The amendments also established a new process for adjudicating duty of fair representation and referral complaints.

In the fall of 1996, the Ministry of Labour transferred the jurisdiction of the then Office of Adjudication to the Labour Board. This meant that the administration of appeals under the *Employment Standards Act* and the *Occupational Health and Safety Act* was handled by the Board, and the Board's Vice-Chairs were duly appointed to hear and determine such appeals.

In October 1997, the Legislature passed the *Public Sector Dispute Resolution Act, 1997* and the *Public Sector Labour Relations Transition Act, 1997* ("Bill 136") and the *Education Quality Improvement Act, 1997* ("Bill 160"). Bill 136 established a separate regime of successor rights governing matters that arise out of restructuring and amalgamations in the broader public sector. The Act gives the Board the power to determine new bargaining unit configurations, to appoint new bargaining agents, and to address other collective bargaining issues that may arise from municipal amalgamations, school board changes and hospital restructuring. Bill 160 repealed the *School Boards and Teachers Collective Negotiations Act* and replaced it with collective bargaining under the *Labour Relations Act, 1995* (with some specific modifications).

In June 1998, the *Economic Development and Workplace Democracy Act, 1998* ("Bill 31") brought further changes to the *Labour Relations Act, 1995*. Employers could

challenge the appropriateness of a bargaining unit or a union's estimates of the number of individuals in a proposed bargaining unit. The Act also removed the Board's ability to certify a trade union despite the unsuccessful result of a representation vote. Further, the Act gave legislative endorsement to the administrative merger of the Office of Adjudication with the Ontario Labour Relations Board. Adjudicators and referees were eliminated and the Board was given full authority to mediate and adjudicate appeals under the ESA and the OHSA.

IV BOARD PUBLICATIONS

The Ontario Labour Relations Board is responsible for the following publications:

The **Ontario Labour Relations Board Reports**: A bimonthly publication of selected Board decisions, statistics, and other information on proceedings before the Board.

A Guide to the Labour Relations Act, 1995: A booklet explaining in layperson's terms the provisions of the *Labour Relations Act, 1995* and the Board's practices. This publication is revised periodically to reflect current law and Board practices. The Guide is available in both English and French.

Highlights: A monthly publication containing scope notes of significant Board decisions. This publication also contains Board notices of interest to the labour relations community and information regarding new appointments or other developments at the Board.

Rules of Procedure: A complete list of the Board's rules of practice pertaining to all types of applications before the Board. The Rules also contain handy reference charts outlining delivery and filing timelines and requirements.

Information Bulletins: A series of procedural descriptions providing information on the Board's practices and procedures in a variety of applications.

Pamphlets: The Board has published one pamphlet: "Rights of Employees, Employers and Trade Unions".

These publications are edited or written and maintained by the Solicitors' Office.

All of the Board's publications may be obtained by calling, writing or visiting the Board's offices. The Ontario Labour Relations Board Reports are available through annual subscriptions. Individual copies of the Reports may be purchased at the Government of Ontario Bookstore. Order forms and prices for subscriptions are available from the Board.

V STAFF AND BUDGET 1997-98

At the end of the fiscal year 1997-98, the Board employed a total of 131 persons. The Board has two types of employees. The Chair, Alternate Chair, Vice-Chairs and Board Members are appointed by the Lieutenant-Governor in Council. The administrative, field, legal and support staff are civil service appointees.

The total budget of the Ontario Labour Relations Board for the 1997-98 fiscal year was $10.4 million.

VI CASELOAD 1997-98

In fiscal year 1997-98, the Board received a total of 5,023 applications and complaints.

In addition to the cases received, 1,786 were carried over from the previous year for a total caseload of 6,809 in 1997-98. Of the total caseload, 3,223 or 47.3 percent, were disposed of during the year; proceedings in 1,188 were adjourned sine die* (without a fixed date for further action) at the request of the parties; and 2,398 were pending in various stages of processing at March 31, 1998.

The total number of cases processed during the year produced an average workload of 358 cases for the Board's full-time chair, alternate chair, and vice-chairs, and the total disposition represented an average output of 170 cases.

Note: The section numbers referred to below correspond to the Labour Relations Act, 1995, S.O. 1995, c.1, Schedule A ("Bill 7").

Labour Relations Officer Activity

In 1997-98, of the 5 major categories of cases, the Board's labour relations officers were assigned a total of 2,720 cases to help the parties settle differences between them without the necessity of formal litigation before the Board. The assignments comprised 39.9 percent of the Board's total caseload, and included 726 certification applications, 9 cases concerning the status of individuals as employees under the Act, 850 complaints of alleged contravention of the Act, 1,034 grievances under construction industry collective agreements, and 101 complaints under the *Occupational Health and Safety Act*. (Table 3)

The labour relations officers completed activity in 1,399 of the assignments, obtaining settlements in 1,129 or 80.7 percent. They referred 270 cases to the Board for decisions; proceedings were adjourned sine die in 652 cases; and settlement efforts were continuing in the remaining 669 cases at March 31, 1998.

Representation Votes

In 1997-98, the Board's returning officers conducted a total of 722 representation votes among employees in one or more bargaining units. Of the 722 votes conducted, 626 involved certification applications, 84 were held in applications for termination of existing bargaining rights, and 12 were taken in successor employer applications. (Table 5)

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* ***The Board regards sine die cases as disposed of, although they are kept on docket for one year.***

Of the certification votes, 586 involved a single union on the ballot, and 38 involved two unions.

A total of 40,654 employees were eligible to vote in the 722 elections that were conducted, of whom 32,374 or 79.6 percent cast ballots. Of those who participated, 56.6 percent voted in favour of union representation. In the 586 elections in certification applications that involved a single union, 77.5 percent of the eligible voters cast ballots, with 57.2 percent of the participants voting for union representation.

In the 84 votes in applications for termination of bargaining rights, 84.5 percent of the eligible voters cast ballots, with only 37.6 percent of those who participated voting for the incumbent unions.

Final Offer Votes

In addition to taking votes ordered in its cases, the Board's Registrar was requested by the Minister to conduct votes among employees on employers' last offer for settlement of a collective agreement dispute under section 42(1) of the Act. Although the Board is not responsible for the administration of votes under that section, the Board's Registrar and field staff are used to conduct these votes because of their expertise and experience in conducting representation votes under the Act.

Of the twenty requests dealt with by the Board during the fiscal year, eight cases were granted, six cases were dismissed, one case was withdrawn, and the remaining five cases were pending at March 31, 1998.

In the 13 votes held, employees accepted the employer's offer in 8 cases by 1,080 votes in favour to 745 against, and rejected the offer in 5 cases by 340 votes against to 60 in favour.

Disposition Time – Major Categories

Table 7 provides statistics on the time taken by the Board to process the 3,223 cases disposed of in 1997-98. Information is shown separately for the three major categories of cases handled by the Board - certification applications, complaints of contravention of the Act, and referrals of grievances under construction industry collective agreements - and for the other categories combined.

A median of 68 days was taken to proceed from filing to disposition for the 3,223 cases that were completed in 1997-98, compared with 45 days in 1996-97; 664 certification applications were processed in a median of 27 days, compared with 29 days in 1996-97; 728 complaints of contravention of the Act took 84 days, compared with 63 days in 1996-97; and 532 referrals of construction industry grievances required 24 days compared to 25 days in 1996-97. The median time for the total of all other cases, 1,299, increased to 116 days from 84 in 1996-97.

Fifty-four point seven percent (54.7) of all dispositions were accomplished in 84 days (3 months) or less, compared with 81.6 percent for certification applications, 51.1 percent for complaints of contravention of the Act, 75.9 percent for referrals of construction industry grievances, and 34.2 percent for the total of all other types of cases. The number of cases requiring more than 168 days (6 months) to complete increased to 737 from 555 in 1996-97. (Table 7)

Certification of Bargaining Agents

In 1997-98, the Board received 733 applications to certify trade unions as bargaining agents of employees, an increase of 7.3 percent from 1996-97. (Table 1)

Nine unions, each with more than 25 applications, accounted for 58.4 percent of the total filings: Labourers (87 cases), United Steelworkers (53 cases), Canadian Union of Public Employees (CUPE) (52 cases), Food and Commercial Workers (52 cases), Carpenters (51 cases), Electrical Workers (IBEW) (34 cases), Service Employees International (34 cases), Teamsters (33 cases), and Canadian Auto Workers (32 cases). In contrast, 19 unions filed fewer than 5 applications each. These unions together accounted for 6.1 percent of the total certification filings. (Table 8)

Table 9 gives the industrial distribution of the certification applications received and disposed of during the year. Non-manufacturing industries accounted for 86.2 percent of the applications received, concentrated in construction (186 cases) and health and welfare services (107 cases). These two groups comprised 46.4 percent of the total non-manufacturing applications. Of the 101 applications involving establishments in manufacturing industries, 25.7 percent were in two groups: food and beverages (15 cases), and transportation equipment (11 cases).

In addition to the 733 applications received, 195 cases were carried over from last year, making a total certification caseload of 928 in 1997-98. Of the total caseload, 664 were disposed of, proceedings were adjourned sine die in 69 cases, and 195 cases were pending at March 31, 1998. Of the 664 dispositions, certification was granted in 424 cases, including 6 in which interim certificates were issued under section 9(2) of the Act, and 6 that were certified under section 11(1); 160 cases were dismissed; and 80 cases were settled or withdrawn. The certified cases represented 63.8 percent of the total dispositions. (Table 1)

Of the 584 applications that were either certified or dismissed, final decisions in a number of cases were based on the results of representation votes. Of the 564 votes conducted, 526 involved a single union on the ballot, and 35 were held between two unions. Applicants won in 408 of the votes and lost in the other 156. (Table 6)

A total of 33,097 employees were eligible to vote in the 564 elections, of whom 24,133 or 72.9 percent cast ballots. In the 408 votes that were won and resulted in certification, 15,902 or 68.6 percent of the 23,191 employees eligible to vote cast ballots, and of these voters, 11,375 or 71.5 percent favoured union representation. In the 156 elections that were lost and

resulted in dismissals, 8,231 employees participated, and, of these, 3,590 or 43.6 percent voted for union representation.

Size and Composition of Bargaining Units

Small units continued to be the predominant pattern of union organizing efforts through the certification process in 1997-98. The average size of the 430 bargaining units in the 424 applications that were certified was 49 employees, compared with 54 employees in 1996-97. The 87 units in construction certifications averaged 11 employees, and the 343 units in non-construction certifications averaged 59 employees. Seventy-one point nine (71.9) percent of the total certification applications involved units of fewer than 40 employees, and 32.1 percent applied to units of fewer than 10 employees. The total number of employees covered by the certification applications granted decreased to 21,049 from 21,496 in 1996-97. (Table 10)

Of the employees covered by the certification applications granted, 1,729, or 8.2 percent, were in bargaining units that comprised full-time employees or in units that excluded employees working 24 hours or less a week. Units composed of employees working 24 hours or less a week accounted for 529 employees. Full-time and part-time employees were represented in units covering 18,791 employees, including units that did not specifically exclude employees working 24 hours or less a week. (Tables 12 and 13)

Fifty-three point one (53.1) percent of the employees, or 11,183 were employed in production and related occupations; and 3,533 were in office, clerical and technical occupations - mainly in education and related services, and health and welfare services. Professional employees, found mostly in health and welfare services, accounted for 1,915 employees; a small number, 55 employees, were in sales classifications; and 4,363 were in units that included employees in two or more classifications. (Tables 14 and 15)

Disposition Time – Certifications Granted

A median time of 27 calendar days was required to complete the 424 certification applications granted from receipt to disposition. For non-construction certification, the median time was 26 days for 338 cases; and for construction certification, the median time was 52 days for 86 cases. (Table 11)

Eighty-four point seven percent (84.7) of the 424 certification applications granted were disposed of in 84 days (3 months) or less, 80.4 percent took 56 days (2 months) or less, 56.1 percent required 28 days (1 month) or less, and 21.2 percent were processed in 21 days (3 weeks) or less. Forty (40) cases required longer than 168 days (6 months) to process, compared to 31 in 1996-97. (Table 11)

Termination of Bargaining Rights

In 1997-98, the Board received 168 applications under sections 63, 65, 66, 67, and 132 of the Act, seeking termination of the bargaining rights of trade unions. In addition, 54 cases were carried over from 1996-97.

Of the 222 cases processed, bargaining rights were terminated in 79 cases, 45 cases were dismissed, 20 cases were settled, 7 were withdrawn, proceedings were adjourned sine die in 8 cases, and 63 cases were pending at March 31, 1998.

Eighty representation votes were held on 124 cases that were either granted or dismissed. A total of 3,011 employees were eligible to vote in the 80 elections that were held, of whom 2,548 or 84.6 percent cast ballots. Of those who cast ballots, 456 voted for continued representation by unions and 474 voted against. (Table 6).

Declaration of Successor Trade Union

In 1997-98, the Board dealt with 29 applications for declarations under section 68 of the Act concerning the bargaining rights of successor trade unions resulting from a union merger or transfer of jurisdiction.

Affirmative declarations were issued by the Board in twenty-four cases, two cases were dismissed, one case was adjourned sine die, and the remaining two cases were pending at March 31, 1998.

Declaration of Successor or Common Employer

In 1997-98, the Board dealt with 420 applications for declarations under section 69 of the Act concerning the bargaining rights of trade unions of a successor employer resulting from a business sale, or for declarations under section 1(4) to treat two companies as one employer. The two types of requests are often made in a single application.

Affirmative declarations were issued by the Board in 50 cases, 130 cases were settled, 11 were dismissed, 2 cases were withdrawn by the parties, proceedings were adjourned sine die in 45 cases, and 182 cases were pending at March 31, 1998.

Declaration/Direction of Unlawful Strike

In 1997-98, the Board dealt with 20 applications seeking a declaration under section 100 regarding an alleged unlawful strike by employees in the non-construction industry. One application was granted, two cases were settled, two cases were withdrawn, proceedings were adjourned sine die in another 11 cases, and the remaining four cases were pending at March 31, 1998.

Five applications were dealt with seeking direction under section 100 regarding alleged unlawful strikes by employees in non-construction industries. One case was dismissed, another was withdrawn, another was adjourned sine die, and the remaining two were pending at March 31, 1998.

The Board dealt with 15 applications seeking directions under section 144 of the Act against alleged unlawful strikes by construction workers - 13 were new applications, and 2 cases were carried over from 1996-97. Of these, one application was granted, another was dismissed, four cases were settled, proceedings were adjourned sine die in six cases and the remaining three were pending at March 31, 1998.

Declaration/ Direction of Unlawful Lock-out

Six applications seeking a declaration under section 101 of the Act regarding an alleged unlawful lock-out by construction employers were processed in 1997-98. One case was settled, two were dismissed, one was withdrawn, and proceedings were adjourned sine die in two cases.

Three applications were processed seeking a direction under section 101 of the Act regarding an alleged unlawful lock-out by non-construction employers. All three cases were pending at March 31, 1998.

Consent to Prosecute

In 1997-98, the Board dealt with eight applications under section 109 of the Act requesting consent to institute prosecution in court against unions and employers for alleged commission of offences under the Act.

Of the eight applications processed, five were settled, one case was adjourned sine die, and the remaining two cases were pending at March 31, 1998.

Complaints of Contravention of Act

Complaints alleging contravention of the Act may be filed with the Board under section 96 of the Act. In handling these cases the Board emphasizes voluntary settlements by the parties involved, with the assistance of a labour relations officer.

In 1997-98, the Board received 999 complaints under this section. In complaints against employers, the principal charges were alleged illegal discharge of or discrimination against employees for union activity in violation of section 70 and 72 of the Act, illegal changes in wages and working conditions contrary to section 86, and failure to bargain in good faith

under section 17. These charges were made mostly in connection with applications for certification. The principal charge against trade unions was the alleged failure to represent employees fairly in grievances against their employer.

In addition to the complaints received, 438 cases were carried over from 1996-97. Of the 1,437 cases processed, 728 were disposed of, proceedings were adjourned sine die in 151 cases, and 558 cases were pending at March 31, 1998.

In 435, or 59.8 percent, of the 728 dispositions, voluntary settlements and withdrawals of the complaint were secured by labour relations officers (Table 4). Remedial orders were issued by the Board in 33 cases, 235 cases were dismissed, 438 cases were settled, 20 cases were withdrawn, and 2 cases were terminated. (Table 1)

Construction Industry Grievances

Grievances over alleged violation of the provisions of a collective agreement in the construction industry may be referred to the Board for resolution under section 133 of the Act. As with complaints of contravention of the Act, the Board encourages voluntary settlement of these cases by the parties involved, with the assistance of a labour relations officer.

In 1997-98, the Board received 1,026 cases under this section, a decrease of 13.0 percent over the previous year. The principal issues in these grievances were alleged failure by employers to make required contributions to health and welfare, pension and vacation funds, failure to deduct union dues, and alleged violation of the subcontracting and hiring arrangements in the collective agreement.

In addition to the cases received, 270 were carried over from 1996-97. Of the total 1,296 processed, 532 were disposed of; of these, awards were made by the Board in 188 cases, 16 cases were dismissed, 326 cases settled, 2 cases were withdrawn, proceedings were adjourned sine die in 540 cases, and 224 were pending at March 31, 1998.

In 326 or 61.3 percent of the 532 dispositions, voluntary settlements and withdrawal of the grievance were obtained by labour relations officers (Table 4).

MISCELLANEOUS APPLICATIONS AND COMPLAINTS

Religious Exemption – Exemption from Union Security Provision in Collective Agreement

Nine applications were processed under section 52 of the Act, seeking exemption for employees from the union security provisions of collective agreements because of their religious beliefs. One application was granted, three were settled, three were dismissed, and the remaining two applications were pending at March 31, 1998.

Early Termination of Collective Agreements

Twenty applications were processed under section 58(3) of the Act, seeking early termination of collective agreements. Consent was granted in sixteen cases, one case was terminated, another was withdrawn, one case was adjourned sine die, and the remaining case was pending at March 31, 1998.

Union Financial Statements

Eleven complaints were dealt with under section 92 of the Act, alleging failure by trade unions to furnish members with audited financial statements of the union's affairs. One case was granted, a settlement was reached in another, one was adjourned sine die, and the remaining eight cases were pending at March 31, 1998.

Jurisdictional Disputes

Fifty-nine complaints were dealt with under section 99 of the Act involving union work jurisdiction. An assignment of work in dispute was made by the Board in thirteen cases, one case was settled, five cases were dismissed, four cases were withdrawn, eight cases were adjourned sine die, and twenty-eight cases were pending at March 31, 1998.

Determination of Employee Status

The Board dealt with 44 applications under section 114(2) of the Act, seeking decisions on the status of individuals as employees under the Act. Three cases were settled by the parties in discussions with labour relations officers. Determinations were made by the Board in four cases, five cases were dismissed, five cases were withdrawn, and proceedings were adjourned sine die in eight cases. The remaining 19 cases were pending at March 31, 1998.

Referrals by Minister of Labour

In 1997-98, the Board dealt with six cases referred by the Minister under section 115 of the Act for opinions or questions related to the Minister's authority to appoint a conciliation officer under section 18 of the Act, or an arbitrator under sections 48 or 49. One case was granted, two were withdrawn, two were adjourned sine die, and the remaining case was pending at March 31, 1998.

The Board also dealt with 12 cases referred by the Minister under subsection 3(2) of the *Hospital Labour Disputes Arbitration Act*. Eight cases were granted, one was settled, one was adjourned sine die, and the remaining two were pending at March 31, 1998.

Trusteeship Reports

Five statements were filed with the Board during the year reporting that local unions had been placed under trusteeship.

First Agreement Arbitration

In 1997-98, the Board processed 20 applications for directions to settle first agreements by arbitration. Four directions were issued, three were settled, three cases were dismissed, one was withdrawn, proceedings were adjourned sine die in four cases, and five cases were pending at March 31, 1998.

Determination of Sector in the Construction Industry

One application was dealt with by the Board under section 166 asking the Board to determine whether the construction work in question was within the industrial-commercial-institutional sector. The case was adjourned sine die.

Occupational Health and Safety Act

In 1997-98, the Board received 106 complaints under section 50 of the *Occupational Health and Safety Act* alleging wrongful discipline or discharge for acting in compliance with the Act. Fifty-three cases were carried over from 1996-97.

Of the total 159 cases processed, 92 cases were disposed of. Of these, 67 cases were settled by the parties in discussions with labour relations officers (Table 4). Twenty-five cases were dismissed, proceedings were adjourned sine die in 17 cases, and the remaining 50 were pending at March 31, 1998.

Colleges Collective Bargaining Act

Three complaints were received under section 77 of the *Colleges Collective Bargaining Act* in 1997-98, and four were carried over from 1996-97. Of the seven complaints dealt with by the Board, one case was granted, one was dismissed, four cases were withdrawn, and the remaining case was pending at March 31, 1998.

Statistics on the cases under the *Colleges Collective Bargaining A*ct dealt with by the Board are included in Table 1.

Appeals under The Employment Standard Act

The *Employment Standards Act* deals with workplace rights such as minimum wage, hours of work, overtime, vacation or public holiday pay, termination issues, and severance pay. Adjudicators and referees at the Board hear appeals of employment standards officers' decisions relating to any of these kinds of matters.

The Board dealt with 1,447 appeals during 1997-98: of the 484 cases that were disposed of, 70 were granted, 203 were dismissed, 141 cases were settled, 35 were terminated, and 35 cases were withdrawn. Proceedings were adjourned sine die in 174 cases, and 789 cases were pending at March 31, 1998. (Table 1)

Appeals under The Occupational Health and Safety Act

The *Occupational Health and Safety Act* and its regulations ensure that workers' health and safety in the workplace is protected. Violations of the Act are investigated by health and safety inspectors; orders or decisions of inspectors are the subject of appeals to the occupational health and safety adjudicator.

Five hundred and sixty-eight appeals were dealt with by the Board in 1997-98. Of the 224 cases that were disposed of, 6 appeals were granted, 73 were dismissed, 113 cases were settled, 30 were withdrawn, and two cases were terminated. Proceedings were adjourned sine die in 128 cases, and 216 cases were pending at March 31, 1998. (Table 1)

Applications under The Public Sector Labour Relations Transitions Act, 1997 and the Education Quality Improvement Act, 1997

In October 1997, the Legislature passed the *Public Sector Dispute Resolution Act, 1997* and the *Public Sector Labour Relations Transition Act, 1997* ("Bill 136") and the *Education Quality Improvement Act, 1997* ("Bill 160"). Bill 136 established a separate regime of successor rights governing matters that arise out of restructuring and amalgamations in the broader public sector. The Act gives the Board the power to determine new bargaining unit configurations, to appoint new bargaining agents, and to address other collective bargaining issues that may arise from municipal amalgamations, school board changes and hospital restructuring. Bill 160 repealed the *School Boards and Teachers Collective Negotiations Act* and replaced it with collective bargaining under the *Labour Relations Act, 1995* (with some specific modifications).

In 1997-98, the Board received 29 applications under the *Public Sector Labour Relations Transition Act, 1997.* All 29 applications were pending at March 31, 1998.

In 1997-98, the Board received one application under *the Education Quality Improvement Act, 1997.* The case was pending at March 31, 1999.

VII COURT ACTIVITY 1997-98

During the fiscal year 1997-98, the Ontario Court of Justice (General Division) (Divisional Court) dealt with eighteen applications for judicial review. Fourteen of these applications were dismissed; three were abandoned or withdrawn; and one was adjourned sine die. In one of the cases that was subsequently dismissed, a motion to strike an affidavit was granted.

The Ontario Court of Appeal dismissed three motions for leave to appeal decisions of the Divisional Court.

The Supreme Court of Canada dismissed one motion for leave to appeal a decision from the Court of Appeal.

On March 31, 1998, there were 27 Labour Board matters pending before the three levels of Court.

All Court decisions relating to matters involving the Ontario Labour Relations Board are reported in the Board's bimonthly Reports.

VIII STATISTICAL TABLES 1997-98

The following statistics reflect the activities of the Ontario Labour Relations Board during the fiscal year 1997-98.

Table 1: Total Applications and Complaints Received, Disposed of and Pending, Fiscal Year 1997-98.

Table 2: Applications and Complaints Received and Disposed of, Fiscal Years 1993-94 to 1997-98.

Table 3: Labour Relations Officer Activity in Cases Processed, Fiscal Year 1997-98.

Table 4: Labour Relations Officer Settlements in Cases Disposed of, Fiscal Year 1997-98.

Table 5: Results of Representation Votes Conducted, Fiscal Year 1997-98.

Table 6: Results of Representation Votes in Cases Disposed of, Fiscal Year 1997-98.

Table 7: Time Required to Process Applications and Complaints Disposed of, by Major Type of Case, Fiscal Year 1997-98.

Table 8: Union Distribution of Certification Applications Received and Disposed of, Fiscal Year 1997-98.

Table 9: Industry Distribution of Certification Applications Received and Disposed of, Fiscal Year 1997-98.

Table 10: Size of Bargaining Units in Certification Applications Granted, Fiscal Year 1997-98.

Table 11: Time Required to Process Certification Applications Granted, Fiscal Year 1997-98.

Table 12: Employment Status of Employees in Bargaining Units Certified by Industry, Fiscal Year 1997-98.

Table 13: Breakdown of Full-time and Part-time Employees by Certified Bargaining Units, by Union, Fiscal Year 1997-98.

Table 14: Occupational Groups in Certified Bargaining Units, by Industry, Fiscal Year 1997-98.

Table 15: Occupational Groups in Certified Bargaining Units, by Union, Fiscal Year 1997-98.

Table 1

Total Applications and Complaints Received, Disposed of and Pending
Fiscal Year 1997-98

Type of Case	Caseload			Disposed of Fiscal Year 1997-98							
	Total	Pending April 1, 1997	Received Fiscal Year 1997-98	Total	Granted*	Dismissed	Terminated	Withdrawn	Settled	Sine Die	Pending March 31, 1998
Total	6809	1786	5023	3223	932	797	40	129	1325	1188	2398
CERTIFICATION OF BARGAINING AGENTS	928	195	733	664	424	160	0	15	65	69	195
COMBINATION OF BARGAINING UNITS	7	7	0	1	0	1	0	0	0	6	0
DECLARATION OF TERMINATION OF BARGAINING RIGHTS	222	54	168	151	79	45	0	7	20	8	63
TERMINATION OF ACCREDITATION	1	1	0	0	0	0	0	0	0	0	1
DECLARATION OF SUCCESSOR TRADE UNION	29	1	28	26	24	2	0	0	0	1	2
DECLARATION OF SUCCESSOR EMPLOYER OR COMMON EMPLOYER STATUS	420	192	228	193	50	11	0	2	130	45	182
APPLICATION UNDER SUCCESSOR RIGHTS (CROWN TRANSFERS)	2	2	0	0	0	0	0	0	0	2	0
DECLARATION/DIRECTION OF UNLAWFUL STRIKE	40	5	35	13	2	2	0	3	6	18	9
DECLARATION/DIRECTION OF UNLAWFUL LOCKOUT	9	3	6	4	0	2	0	1	1	2	3
CONSENT TO PROSECUTE	8	5	3	5	0	0	0	0	5	1	2
CONTRAVENTION OF ACT	1437	438	999	728	33	235	2	20	438	151	558
RIGHT OF ACCESS	3	0	3	1	0	0	0	0	1	0	2
EXEMPTION FROM UNION SECURITY PROVISION IN COLLECTIVE AGREEMENT	9	6	3	7	1	3	0	0	3	0	2
EARLY TERMINATION OF COLLECTIVE AGREEMENT	20	0	20	18	16	0	1	1	0	1	1
TRADE UNION FINANCIAL STATEMENT	11	5	6	2	1	0	0	0	1	1	8
JURISDICTIONAL DISPUTE	59	24	35	23	13	5	0	4	1	8	28
REFERRAL ON EMPLOYEE STATUS	44	25	19	17	4	5	0	5	3	8	19
REFERRAL FROM MINISTER ON APPOINTMENT OF CONCILIATION OFFICER OR ARBITRATOR	18	8	10	12	9	0	0	2	1	3	3
REFERRAL OF CONSTRUCTION INDUSTRY GRIEVANCE	1296	270	1026	532	188	16	0	2	326	540	224
COMPLAINT UNDER OCCUPATIONAL HEALTH AND SAFETY ACT	159	53	106	92	0	25	0	0	67	17	50
FIRST AGREEMENT ARBITRATION DIRECTION	20	6	14	11	4	3	0	1	3	4	5
DETERMINATION OF SECTOR OF CONSTRUCTION WORK	1	0	1	0	0	0	0	0	0	1	0
FINAL OFFER VOTE**	20	3	17	15	8	6	0	1	0	0	5
EMPLOYMENT STANDARDS ACT (APPEAL)	1447	256	1191	484	70	203	35	35	141	174	789
OCCUPATIONAL HEALTH AND SAFETY ACT (APPEAL)	568	227	341	224	6	73	2	30	113	128	216
COMPLAINT UNDER FAIRNESS FOR PARENTS AND EMPLOYEES ACT	1	0	1	0	0	0	0	0	0	0	1
EDUCATION QUALITY IMPROVEMENT ACT APPLICATION	1	0	1	0	0	0	0	0	0	0	1
PUBLIC SECTOR LABOUR RELATIONS TRANSITION ACT APPLICATION	29	0	29	0	0	0	0	0	0	0	29

*Includes cases in which a request was granted or a determination made by the Board.

**For Final Offer Votes, "Granted" indicates that offer was accepted and dismissed indicates a rejection.

Table 3

Labour Relations Officer Activity in Cases Processed *

Fiscal Year 1997-98

Type of Case	Total Cases Assigned	Cases in Which Activity Completed					
			Settled				
		Total	Number	Percent	Referred to Board	Sine Die	Pending
Total	2,720	1,399	1,129	80.7	270	652	669
CERTIFICATION OF BARGAINING AGENTS	726	532	450	84.6	82	47	147
Interim certificate	3	1	0	0.0	1	0	2
Other application	723	531	452	85.1	79	47	143
CONTRAVENTION OF ACT	850	405	304	75.1	101	101	344
REFERRAL ON EMPLOYEE STATUS	9	1	0	0.0	1	4	4
REFERRAL OF CONSTRUCTION INDUSTRY GRIEVANCE	1,034	407	338	83.0	69	490	137
COMPLAINT UNDER OCCUPATIONAL HEALTH AND SAFETY ACT	101	54	37	68.5	17	10	37

* Includes all cases assigned to labour relations officers, which may or may not have been disposed of by the end of the year.

Table 4

Labour Relations Officer Settlements in Cases Disposed of * Fiscal Year 1997-98

Type of Case	Total Disposed of	Officer Settlements	
		Number	Percent of Dispositions
Total	1369	831	60.7
CONTRAVENTION OF ACT	728	435	59.8
REFERRAL ON EMPLOYEE STATUS	17	3	17.6
REFERRAL OF CONSTRUCTION INDUSTRY GRIEVANCE	532	326	61.3
COMPLAINT UNDER THE OCCUPATIONAL HEALTH AND SAFETY ACT	92	67	72.8

* Includes only cases in which labour relations officers play the leading role in the processing of the case. The figures refer to cases disposed of during the year and should not be confused with data for the same types of cases in Table 3. Table 3 refers to new assignments of cases made to labour relations officers during the year which may or may not have been disposed of by the end of the year.

Table 5

Results of Representation Votes Conducted * Fiscal Year 1997-98

Type of Case	Number of Votes	Eligible Employees	Ballots Cast	
			Total	In Favour of Unions
Total	722	40654	32374	18338
Certification	626	35152	27729	16388
Regular cases				
One union	460	30,214	23,166	13,336
Two unions	27	3,142	2,922	2,107
Three unions	2	216	108	98
Construction cases				
One union	126	1,348	1,302	666
Two unions	11	232	231	181
Termination of Bargaining Rights				
One union	84	3,636	3,072	1,155
Successor Employer				
One union	2	121	102	25
Two unions	9	1,342	1,126	430
Three unions	1	403	345	340

*Refers to all representation votes conducted and the results counted during the fiscal year, regardless of whether or not the case was disposed of during the year.

Table 2

Applications and Complaints Received and Disposed of Fiscal Years 1993-94 to 1997-98

Type of Case	Number Received, Fiscal Year						Number Disposed of, Fiscal Year					
	Total	1993-94	1994-95	1995-96	1996-97	97/98	Total	1993-94	1994-95	1995-96	1996-97	97/98
Total	22876	4524	4732	4232	4365	5023	15736	3287	3468	2854	2904	3223
CERTIFICATION OF BARGAINING AGENTS	4,456	1,166	1,077	797	683	733	4,200	1,135	985	760	656	664
COMBINATION OF BARGAINING UNITS	325	72	115	138	0	0	259	62	71	115	10	1
DECLARATION OF TERMINATION OF BARGAINING RIGHTS	867	110	145	251	193	168	755	107	115	154	228	151
TERMINATION OF ACCREDITATION	3	0	0	2	1	0	2	0	0	1	1	0
DECLARATION OF SUCCESSOR TRADE UNION	318	211	15	64	0	28	313	8	216	51	12	26
DECLARATION OF SUCCESSOR EMPLOYER OR COMMON EMPLOYER STATUS	1,272	262	307	234	241	228	871	178	194	163	143	193
APPLICATION UNDER SUCCESSOR RIGHTS (CROWN TRANSFERS)	3	3	0	0	0	0	0	0	0	0	0	0
DECLARATION/DIRECTION RESPECTING UNLAWFUL STRIKE	133	25	19	21	33	35	78	17	14	9	25	13
DECLARATION/DIRECTION OF UNLAWFUL LOCKOUT	29	4	3	5	11	6	19	4	2	3	6	4
CONSENT TO PROSECUTE	19	2	5	4	5	3	13	0	5	3	0	5
CONTRAVENTION OF ACT	5,359	1,067	1,216	1,111	966	999	4,131	857	933	806	807	728
RIGHT OF ACCESS	14	6	4	1	0	3	10	4	4	1	0	1
EXEMPTION FROM UNION SECURITY PROVISION IN COLLECTIVE AGREEMENT	41	4	8	14	12	3	39	5	6	8	13	7
EARLY TERMINATION OF COLLECTIVE AGREEMENT	92	20	16	24	12	20	92	23	14	25	12	18
TRADE UNION FINANCIAL STATEMENT	27	2	6	6	7	6	16	2	3	5	4	2
JURISDICTIONAL DISPUTE	173	38	36	32	32	35	127	33	29	20	22	23
REFERRAL ON EMPLOYEE STATUS	145	25	39	35	27	19	104	20	17	28	22	17
REFERRAL FROM MINISTER ON APPOINTMENT OF CONCILIATION OFFICER OR ARBITRATOR	67	26	10	6	15	10	57	12	15	10	8	12
REFERRAL OF CONSTRUCTION INDUSTRY GRIEVANCE	6,479	1,364	1,574	1,335	1,180	1,026	3,144	722	725	576	589	532
REFERRAL FROM MINISTER ON CONSTRUCTION BARGAINING AGENCY	0	0	0	0	0	0	1	1	0	0	0	0
COMPLAINT UNDER OCCUPATIONAL HEALTH AND SAFETY ACT	546	91	98	110	141	106	433	70	89	72	110	92
ENVIRONMENTAL PROTECTION ACT	4	1	2	1	0	0	4	1	0	3	0	0
COMPLAINT UNDER THE SMOKING IN THE WORKPLACE ACT	2	1	0	0	1	0	2	0	1	0	1	0
FIRST AGREEMENT ARBITRATION DIRECTION	68	7	14	15	18	14	49	7	10	12	9	11
DETERMINATION OF SECTOR OF CONSTRUCTION WORK	3	1	1	0	0	1	4	1	0	2	1	0
FINAL OFFER VOTE	107	16	22	26	26	17	104	18	20	27	24	15
EMPLOYMENT STANDARDS ACT (APPEAL)	1,709	0	0	0	518	1,191	672	0	0	0	188	484
OCCUPATIONAL HEALTH AND SAFETY ACT (APPEAL)	584	0	0	0	243	341	237	0	0	0	13	224
COMPLAINT UNDER FAIRNESS FOR PARENTS AND EMPLOYEES ACT	1	0	0	0	0	1	0	0	0	0	0	0
EDUCATION QUALITY IMPROVEMENT ACT APPLICATION	1	0	0	0	0	1	0	0	0	0	0	0
PUBLIC SECTOR LABOUR RELATIONS TRANSITION ACT APPLICATION	29	0	0	0	0	29	0	0	0	0	0	0

Table 6

Results of Representation Votes in Cases Disposed of *
Fiscal Year 1997-98

	Number of Votes			Eligible Votes			All Ballots Cast			Ballots Cast in Favour of Union		
					In Votes			In Votes			In Votes	
Type of Case	Total	Appl. Won	Appl. Lost	Total	Won	Lost	Total	Won	Lost	Total	Won	Lost
Total	649	472	177	36458	25420	11038	26953	17712	9241	16051	11962	4089
Certification	564	408	156	33097	23191	9906	24133	15902	8231	14965	11375	3590
Regular cases												
One union	421	313	108	26,850	19,110	7,740	20,202	13,670	6,532	11,630	9,313	2,317
Two unions	30	18	12	3,124	1,638	1,486	1,895	794	1,101	1,762	749	1,013
Three unions	3	2	1	1,515	1,407	108	620	566	54	588	539	49
Pre-hearing cases												
Two unions	2	2	0	137	137	0	89	89	0	88	88	0
Construction cases												
One union	105	72	33	1,328	878	450	1,183	761	422	781	686	95
Two unions	3	1	2	143	21	122	144	22	122	116	0	116
Termination												
One union	80	61	19	3,011	2,000	1,011	2,548	1,640	908	930	456	474
Successor Employer												
One union	2	0	2	121	0	121	102	0	102	25	0	25
Two unions	3	3	0	229	229	0	170	170	0	131	131	0

*Refers to final representation votes conducted in cases disposed of during the fiscal year. This table should not be confused with Table 5 which refers to all representation votes conducted during the year, regardless of whether or not the case was disposed of during the year.

Table 7

Time Required to Process Applications and Complaints Disposed of, by Major Type of Case, Fiscal Year 1997-98

Time Taken (Calendar Days)	All Cases		Certification Cases		Contravention of the Act Cases		Construction Industry Grievance Cases		All Other Cases	
	Dispositions	Cumulative Percent	Dispositions	Cumulative Percent	Dispositions	Cumulative Percent	Dispositions	Cumulative Percent	Dispositions	Cumulative Percent
Total	3223	100.0	664	100.0	728	100.0	532	100.0	1299	100.0
Under 8 days....	116	3.6	19	2.9	54	7.4	5	0.9	38	2.9
8-14 days....	218	10.4	14	5.0	35	12.2	124	24.2	45	6.4
15-21 days....	329	20.6	125	23.8	31	16.5	115	45.9	58	10.9
22-28 days....	373	32.1	208	55.1	35	21.3	62	57.5	68	16.1
29-35 days....	179	37.7	74	66.3	40	26.8	29	63.0	36	18.9
36-42 days....	106	41.0	30	70.8	22	29.8	20	66.7	34	21.5
43-49 days....	110	44.4	26	74.7	29	33.8	19	70.3	36	24.2
50-56 days....	89	47.2	17	77.3	30	37.9	14	72.9	28	26.4
57-63 days....	55	48.9	8	78.5	22	40.9	1	73.1	24	28.3
64-70 days....	62	50.8	5	79.2	26	44.5	5	74.1	26	30.3
71-77 days....	67	52.9	8	80.4	26	48.1	5	75.0	28	32.4
78-84 days....	58	54.7	8	81.6	22	51.1	5	75.9	23	34.2
85-91 days....	80	57.2	7	82.7	19	53.7	2	76.3	52	38.2
92-98 days....	76	59.5	8	83.9	19	56.3	3	76.9	46	41.7
99-105 days....	57	61.3	9	85.2	12	58.0	0	76.9	36	44.5
106-126 days....	201	67.5	12	87.0	46	64.3	13	79.3	130	54.5
127-147 days....	193	73.5	13	89.0	34	69.0	9	81.0	137	65.1
148-168 days....	117	77.1	4	89.6	30	73.1	6	82.1	77	71.0
Over 168 days....	737	100.0	69	100.0	196	100.0	95	100.0	377	100.0

Union Distribution of Certification Applications Received and Disposed of Fiscal Year 1997-98

Union	Number of Applications Received	Number of Applications Disposed of			
		Total	Certified	Dismissed	Withdrawn
All Unions	733	664	424	166	74
ALLIED HEALTH PROFESSIONALS	1	1	1	0	0
ASBESTOS WORKERS	0	1	1	0	0
AUTO WORKERS	2	3	2	1	0
BAKERY AND TOBACCO WORKERS	1	2	1	0	1
BOILERMAKERS	3	3	3	0	0
BREWERY AND SOFT DRINK WORKERS	9	8	4	4	0
BRICKLAYERS INTERNATIONAL	9	9	4	3	2
CANADIAN AUTO WORKERS	32	27	17	8	2
CANADIAN OPERATING ENGINEERS	3	2	2	0	0
CANADIAN UNION OF PUBLIC EMPLOYEES (CUPE)	52	50	39	6	5
CARPENTERS	51	51	22	9	20
CHRISTIAN LABOUR ASSOCIATION	10	9	7	2	0
CLOTHING AND TEXTILE WORKERS	4	4	3	1	0
COMMUNICATIONS, ENERGY AND PAPERWORKERS UNION OF CANADA	22	16	10	5	1
ELECTRICAL WORKERS (IBEW)	34	36	23	9	4
FOOD AND COMMERCIAL WORKERS	52	56	41	15	0
FOOD AND SERVICE WORKERS	6	5	2	2	1
GLASS, POTTERY AND PLASTIC WKRS.	2	2	2	0	0
GRAPHIC COMMUNICATION UNION	2	3	3	0	0
HOTEL EMPLOYEES	13	16	8	6	2
INDEPENDENT LOCAL UNION	5	6	4	1	1
INTERNATIONAL OPERATING ENGINEERS	20	20	10	7	3
INTERNATIONAL WOODWORKERS OF AMERICA	1	1	0	1	0
IWA - CANADA	6	5	3	2	0
LABOURERS	87	52	28	16	8
MACHINISTS	12	11	7	4	0
NEWSPAPER GUILD	3	2	1	1	0
OFFICE AND PROFESSIONAL EMPLOYEES	6	7	5	0	2
ONTARIO ENGLISH CATHOLIC TEACHERS	1	1	0	1	0
ONTARIO NURSES ASSOCIATION	18	21	17	3	1
ONTARIO PUBLIC SCHOOL TEACHERS	2	2	2	0	0
ONTARIO PUBLIC SERVICE EMPLOYEES	23	20	18	2	0
ONTARIO SECONDARY SCHOOL TEACHERS	19	17	16	1	0
ONTARIO SHEET METAL WORKERS	10	5	2	3	0
PAINTERS	14	17	9	5	3
PLANT GUARD WORKERS	5	5	3	2	0
PLUMBERS	16	11	7	2	2
POSTAL WORKERS	3	2	2	0	0
PRACTICAL NURSES FEDERATION OF ONTARIO	1	1	1	0	0
RETAIL WHOLESALE EMPLOYEES	4	3	3	0	0
SERVICE EMPLOYEES INTERNATIONAL	34	30	22	7	1
STRUCTURAL IRON WORKERS	4	6	4	0	2
TEAMSTERS	33	29	16	11	2
THEATRICAL STAGE EMPLOYEES	4	4	1	2	1
TRANSIT UNION (INTL.)	3	2	1	1	0
TYPOGRAPHICAL UNION	1	1	1	0	0
UNITED STEELWORKERS	53	52	33	13	6
OTHER UNIONS, INCLUDING ASSOCIATIONS	37	27	13	10	4

Table 9

Industry Distribution of Certification Applications Received and Disposed of Fiscal Year 1997-98

Industry	Number of Applications Received	Number of Applications Disposed of			
		Total	Certified	Dismissed	Withdrawn
All Industries	733	664	424	166	74
Manufacturing	101	105	68	34	3
CHEMICALS	4	4	2	1	1
ELECTRICAL PRODUCTS	2	2	1	1	0
FABRICATED METALS	2	5	3	2	0
FOOD, BEVERAGES	15	16	9	6	1
FURNITURE, FIXTURES	3	4	2	2	0
MACHINERY	4	4	2	2	0
NON-METALLIC MINERALS	2	2	1	1	0
PAPER	1	4	3	1	0
PRIMARY METALS	7	5	4	1	0
PRINTING, PUBLISHING	10	9	7	2	0
RUBBER, PLASTICS	8	9	9	0	0
TEXTILES	2	3	1	2	0
TRANSPORTATION EQUIPMENT	11	13	9	4	0
WOOD	5	5	4	1	0
OTHER MANUFACTURING	25	20	11	8	1
Non-Manufacturing	632	559	356	132	71
ACCOMODATION, FOOD SERVICES	36	37	20	14	3
CONSTRUCTION	186	153	76	40	37
EDUCATION, RELATED SERVICES	53	49	39	8	2
ELECTRIC, GAS, WATER	8	7	3	4	0
FINANCE, INSURANCE CARRIERS	3	3	2	0	1
HEALTH, WELFARE SERVICES	107	107	79	21	7
LOCAL GOVERNMENT	26	22	20	1	1
MANAGEMENT SERVICES	2	2	1	1	0
MINING, QUARRYING	1	0	0	0	0
PERSONAL SERVICES	6	7	4	2	1
REAL ESTATE, INSURANCE AGENCI	2	2	2	0	0
RECREATIONAL SERVICES	8	6	2	2	2
RETAIL TRADE	19	17	13	4	0
STORAGE	2	2	1	0	1
TRANSPORTATION	13	10	4	4	2
WHOLESALE TRADE	5	2	1	1	0
OTHER SERVICES	155	133	89	30	14

Table 10

Size of Bargaining Units in Certification Applications Granted Fiscal Year 1997-98

	Total		Construction**		Non-Construction	
Employee size*	Number of Applications	Number of Employees	Number of Applications	Number of Employees	Number of Applications	Number of Employees
Total	424	21,049	86	949	338	20,100
0-9 employees	136	661	60	234	76	427
10-19 employees	91	1,274	14	194	77	1,080
20-39 employees	78	2,173	6	160	72	2,013
40-99 employees	80	4,870	6	361	74	4,509
100-199 employees	27	3,498	0	0	27	3,498
200-499 employees	5	1,682	0	0	5	1,682
500 employees or more	7	6,891	0	0	7	6,891

* Refers to the total number of employees in one or more bargaining units certified in an application. A total of 430 bargaining units were certified in the 424 applications in which certification was granted

** Refers to cases processed under the construction industry provisions of the Act. This figure should not be confused with the figure in Table 9, which includes all applications involving construction employers whether processed under the construction industry provisions of the Act or not.

Table 11

Time Required to Process Certification Applications Granted*
Fiscal Year 1997-98

Calendar Days (including adjournments Requested by the parties)	Total Certified		Non-Construction		Construction	
	mber	Cumulative Percent	Number	Cumulative Percent	Number	Cumulative Percent
Total	424	100.0	338	100.0	86	100.0
Under 8 days	0	0.0	0	0.0	0	0.0
8-14 days	0	0.0	0	0.0	0	0.0
15-21 days	90	21.2	80	23.7	10	11.6
22-28 days	148	56.1	125	60.7	23	38.4
29-35 days	59	70.0	52	76.0	7	46.5
36-42 days	19	74.5	19	81.7	0	46.5
43-49 days	15	78.1	13	85.5	2	48.8
50-56 days	10	80.4	8	87.9	2	51.2
57-63 days	5	81.6	5	89.3	0	51.2
64-70 days	5	82.8	4	90.5	1	52.3
71-77 days	4	83.7	4	91.7	0	52.3
78-84 days	4	84.7	3	92.6	1	53.5
85-91 days	2	85.1	1	92.9	1	54.7
92-98 days	5	86.3	2	93.5	3	58.1
99-105 days	2	86.8	2	94.1	0	58.1
106-126 days	6	88.2	3	95.0	3	61.6
127-147 days	7	89.9	3	95.9	4	66.3
148-168 days	3	90.6	0	95.9	3	69.8
Over 168 days	40	100.0	14	100.0	26	100.0

* Refers only to applications in which certification was granted. This table should not be confused with Table 7 which refers to all certification applications disposed of during the year regardless of the method of disposition.

Table 12

Employment Status of Employees in Bargaining Units Certified by Industry

Fiscal Year 1997-98

Industry	All Units		Full-Time		Part-Time		Full-Time & Part-Time		All Employees No Exclusions Specified	
	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.
All Industries	430	21,049	19	1,729	7	529	32	1,615	372	17,176
Manufacturing	69	3,513	6	445	0	0	6	178	57	2,890
CHEMICALS	2	14	0	0	0	0	0	0	2	14
ELECTRICAL PRODUCTS	1	3	0	0	0	0	0	0	1	3
FABRICATED METALS	3	159	1	103	0	0	0	0	2	56
FOOD, BEVERAGES	9	495	1	98	0	0	0	0	8	397
FURNITURE, FIXTURES	2	193	0	0	0	0	0	0	2	193
MACHINERY	2	52	0	0	0	0	0	0	2	52
NON-METALLIC MINERALS	1	12	0	0	0	0	0	0	1	12
PAPER	3	204	0	0	0	0	0	0	3	204
PRIMARY METALS	4	212	0	0	0	0	1	45	3	167
PRINTING, PUBLISHING	8	633	0	0	0	0	2	38	6	595
RUBBER, PLASTICS	9	549	2	92	0	0	1	22	6	435
TEXTILES	1	27	0	0	0	0	0	0	1	27
TRANSPORTATION EQUIPMENT	9	401	1	132	0	0	0	0	8	269
WOOD	4	89	0	0	0	0	0	0	4	89
OTHER MANUFACTURING	11	470	1	20	0	0	2	73	8	377
Non-Manufacturing	361	17,536	13	1,284	7	529	26	1,437	315	14,286
ACCOMODATION, FOOD SERVICES	20	667	3	47	0	0	4	217	13	403
CONSTRUCTION	77	909	0	0	0	0	0	0	77	909
EDUCATION, RELATED SERVICES	41	4,641	1	947	3	113	5	176	32	3,405
ELECTRIC, GAS, WATER	3	28	0	0	0	0	0	0	3	28
FINANCE, INSURANCE CARRIERS	2	13	0	0	1	7	0	0	1	6
HEALTH, WELFARE SERVICES	81	4,060	5	157	2	270	8	584	66	3,049
LOCAL GOVERNMENT	20	295	1	10	0	0	0	0	19	285
MANAGEMENT SERVICES	1	13	0	0	0	0	0	0	1	13
PERSONAL SERVICES	4	93	0	0	0	0	1	64	3	29
REAL ESTATE, INSURANCE AGENCIES	2	50	0	0	0	0	0	0	2	50
RECREATIONAL SERVICES	2	163	0	0	0	0	0	0	2	163
RETAIL TRADE	13	597	0	0	0	0	0	0	13	597
STORAGE	1	13	0	0	0	0	0	0	1	13
TRANSPORTATION	4	196	0	0	0	0	0	0	4	196
WHOLESALE TRADE	1	34	0	0	0	0	0	0	1	34
OTHER SERVICES	89	5,764	3	123	1	139	8	396	77	5,106

Table 13

Breakdown of Full-time and Part-time Employees by Certified Bargaining Units, by Union
Fiscal Year 1997-98

Union	All Units		Full-Time		Part-Time		Full-Time & Part-Time		All Employees No Exclusion Specified	
	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.
All Unions	430	21,049	19	1,729	7	529	32	1,615	372	17,176
ALLIED HEALTH PROFESSIONALS	1	60	0	0	0	0	0	0	1	60
ASBESTOS WORKERS	1	6	0	0	0	0	0	0	1	6
AUTO WORKERS	2	9	0	0	0	0	0	0	2	9
BAKERY AND TOBACCO WORKERS	1	263	0	0	0	0	1	263	0	0
BOILERMAKERS	3	143	0	0	0	0	0	0	3	143
BREWERY AND SOFT DRINK WORKERS	4	102	0	0	0	0	3	93	1	9
BRICKLAYERS INTERNATIONAL	4	23	0	0	0	0	0	0	4	23
CANADIAN AUTO WORKERS	17	903	3	327	0	0	1	28	13	548
CANADIAN OPERATING ENGINEERS	2	25	0	0	0	0	0	0	2	25
CANADIAN UNION OF PUBLIC EMPLOYEES (CUPE)	40	2,832	1	10	1	139	3	91	35	2,592
CARPENTERS	22	189	0	0	0	0	1	5	21	184
CHRISTIAN LABOUR ASSOCIATION	7	308	1	20	0	0	0	0	6	288
CLOTHING AND TEXTILE WORKERS	3	273	0	0	0	0	0	0	3	273
COMMUNICATIONS, ENERGY AND PAPERWORKERS UNION OF CANADA	11	500	1	24	1	16	2	75	7	385
ELECTRICAL WORKERS (IBEW)	24	242	0	0	0	0	0	0	24	242
FOOD AND COMMERCIAL WORKERS	41	2,039	2	104	0	0	2	74	37	1,861
FOOD AND SERVICE WORKERS	2	928	0	0	0	0	0	0	2	928
GLASS, POTTERY AND PLASTIC WKRS.	2	101	2	101	0	0	0	0	0	0
GRAPHIC COMMUNICATION UNION	4	59	0	0	0	0	2	38	2	21
HOTEL EMPLOYEES	8	327	1	11	1	14	2	121	4	181
INDEPENDENT LOCAL UNION	4	107	0	0	0	0	2	43	2	64
INTERNATIONAL OPERATING ENGINEERS	10	478	1	8	0	0	2	367	7	103
IWA - CANADA	3	65	0	0	0	0	0	0	3	65
LABOURERS	28	376	1	23	0	0	0	0	27	353
MACHINISTS	7	100	0	0	1	7	0	0	6	93
NEWSPAPER GUILD	1	372	0	0	0	0	0	0	1	372
OFFICE AND PROFESSIONAL EMPLOYEES	5	1,466	0	0	0	0	0	0	5	1,466
ONTARIO NURSES ASSOCIATION	17	1,238	0	0	1	256	0	0	16	982
ONTARIO PUBLIC SCHOOL TEACHERS	20	706	0	0	2	97	2	56	14	541
ONTARIO PUBLIC SERVICE EMPLOYEES	18	595	1	83	0	0	4	123	13	389
ONTARIO SHEET METAL WORKERS	2	16	0	0	0	0	0	0	2	16
PAINTERS	9	90	0	0	0	0	0	0	9	90
PLANT GUARD WORKERS	3	53	0	0	0	0	0	0	3	53
PLUMBERS	7	94	0	0	0	0	0	0	7	94
POSTAL WORKERS	2	28	0	0	0	0	0	0	2	28
PRACTICAL NURSES FEDERATION OF ONTARIO	1	35	0	0	0	0	0	0	1	35
RETAIL WHOLESALE EMPLOYEES	3	19	0	0	0	0	0	0	3	19
SERVICE EMPLOYEES INTERNATIONAL	22	844	1	3	0	0	1	33	20	808
STRUCTURAL IRON WORKERS	4	54	0	0	0	0	0	0	4	54
TEAMSTERS	16	497	1	30	0	0	1	45	14	422
THEATRICAL STAGE EMPLOYEES	1	51	0	0	0	0	0	0	1	51
TRANSIT UNION (INTL.)	1	77	0	0	0	0	0	0	1	77
TYPOGRAPHICAL UNION	1	15	0	0	0	0	0	0	1	15
UNITED STEELWORKERS	33	3,050	1	13	0	0	1	64	31	2,973
OTHER UNIONS, INCLUDING EMPLOYEE ASSOCIATIONS	14	1293	2	972	0	0	2	96	10	225

Table 14

Occupational Groups in Certified Bargaining Units, by Industry

Fiscal Year 1997-98

	All Groups		Production & Related		Office Clerical & Technical		Professional		Sales		Other	
	Number	Emplys.	Number	Emplys.	Number	Emplys.	Number	Emplys.	Number	Emplys.	Number	Emplys.
All Industries	430	21,049	256	11,183	64	3,533	28	1,915	2	55	80	4,363
Manufacturing	69	3,513	53	2,741	5	388	1	23	0	0	10	361
CHEMICALS	2	14	1	9	1	5	0	0	0	0	0	0
ELECTRICAL PRODUCTS	1	3	1	3	0	0	0	0	0	0	0	0
FABRICATED METALS	3	159	2	125	0	0	0	0	0	0	1	34
FOOD, BEVERAGES	9	495	7	413	0	0	0	0	0	0	2	82
FURNITURE, FIXTURES	2	193	2	193	0	0	0	0	0	0	0	0
MACHINERY	2	52	1	29	0	0	1	23	0	0	0	0
NON-METALLIC MINERALS	1	12	1	12	0	0	0	0	0	0	0	0
PAPER	3	204	3	204	0	0	0	0	0	0	0	0
PRIMARY METALS	4	212	2	150	1	45	0	0	0	0	1	17
PRINTING, PUBLISHING	8	633	7	438	1	195	0	0	0	0	0	0
RUBBER, PLASTICS	9	549	8	470	0	0	0	0	0	0	1	79
TEXTILES	1	27	0	0	0	0	0	0	0	0	1	27
TRANSPORTATION EQUIPMENT	9	401	8	397	1	4	0	0	0	0	0	0
WOOD	4	89	2	7	0	0	0	0	0	0	2	82
OTHER MANUFACTURING	11	470	8	291	1	139	0	0	0	0	2	40
Non-Manufacturing	361	17,536	203	8,442	59	3,145	27	1,892	2	55	70	4,002
ACCOMODATION, FOOD SERVICES	20	667	15	535	0	0	0	0	0	0	5	132
CONSTRUCTION	77	909	76	909	0	0	0	0	0	0	1	0
EDUCATION, RELATED SERVICES	41	4,641	15	1,591	9	1,459	5	347	0	0	12	1,244
ELECTRIC, GAS, WATER	3	28	1	3	0	0	0	0	0	0	2	25
FINANCE, INSURANCE CARRIERS	2	13	0	0	2	13	0	0	0	0	0	0
HEALTH, WELFARE SERVICES	81	4,060	23	877	22	1,035	22	1,545	0	0	14	603
LOCAL GOVERNMENT	20	295	1	4	14	244	0	0	0	0	5	47
MANAGEMENT SERVICES	1	13	1	13	0	0	0	0	0	0	0	0
PERSONAL SERVICES	4	93	4	93	0	0	0	0	0	0	0	0
REAL ESTATE, INSURANCE AGENCIES	2	50	0	0	1	26	0	0	0	0	1	24
RECREATIONAL SERVICES	2	163	1	112	0	0	0	0	0	0	1	51
RETAIL TRADE	13	597	7	396	0	0	0	0	1	46	5	155
STORAGE	1	13	1	13	0	0	0	0	0	0	0	0
TRANSPORTATION	4	196	2	117	1	21	0	0	0	0	1	58
WHOLESALE TRADE	1	34	1	34	0	0	0	0	0	0	0	0
OTHER SERVICES	89	5,764	55	3,745	10	347	0	0	1	9	23	1,663

Table 15

Occupational Groups in Certified Bargaining Units, by Union
Fiscal Year 1997-98

	All Groups		Production & Related		Office Clerical & Technical		Professional		Sales		Other	
	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.
All Unions	426	20,026	254	11,122	64	3,533	28	1,915	2	55	78	3,401
ALLIED HEALTH PROFESSIONALS	1	60	0	0	0	0	1	60	0	0	0	0
ASBESTOS WORKERS	1	6	1	6	0	0	0	0	0	0	0	0
AUTO WORKERS	2	9	1	3	1	6	0	0	0	0	0	0
BAKERY AND TOBACCO WORKERS	1	263	1	263	0	0	0	0	0	0	0	0
BOILERMAKERS	3	143	3	143	0	0	0	0	0	0	0	0
BREWERY AND SOFT DRINK WORKERS	4	102	3	45	0	0	0	0	0	0	1	57
BRICKLAYERS INTERNATIONAL	4	23	4	23	0	0	0	0	0	0	0	0
CANADIAN AUTO WORKERS	17	903	10	725	0	0	0	0	0	0	7	178
CANADIAN OPERATING ENGINEERS	2	25	1	2	0	0	0	0	0	0	1	23
CANADIAN UNION OF PUBLIC EMPLOYEES (CUPE)	40	2,832	12	1,686	15	647	1	94	0	0	12	405
CARPENTERS	22	189	22	189	0	0	0	0	0	0	0	0
CHRISTIAN LABOUR ASSOCIATION	7	308	6	295	0	0	1	13	0	0	0	0
CLOTHING AND TEXTILE WORKERS	3	273	2	127	0	0	0	0	0	0	1	146
COMMUNICATIONS, ENERGY AND PAPERWORKERS UNION OF CANADA	11	500	6	210	2	211	0	0	0	0	3	79
ELECTRICAL WORKERS (IBEW)	23	240	22	231	0	0	0	0	0	0	1	9
FOOD AND COMMERCIAL WORKERS	41	2,039	28	1,510	3	61	0	0	2	55	8	413
FOOD AND SERVICE WORKERS	2	928	2	928	0	0	0	0	0	0	0	0
GLASS, POTTERY AND PLASTIC WKRS.	2	101	1	22	0	0	0	0	0	0	1	79
GRAPHIC COMMUNICATION UNION	4	59	4	59	0	0	0	0	0	0	0	0
HOTEL EMPLOYEES	8	327	6	305	0	0	0	0	0	0	2	22
INDEPENDENT LOCAL UNION	4	107	3	104	1	3	0	0	0	0	0	0
INTERNATIONAL OPERATING ENGINEERS	10	478	4	409	1	5	0	0	0	0	5	64
IWA - CANADA	3	65	2	38	0	0	0	0	0	0	1	27
LABOURERS	28	376	24	254	2	75	0	0	0	0	2	47
MACHINISTS	7	100	3	60	4	40	0	0	0	0	0	0
NEWSPAPER GUILD	1	372	1	372	0	0	0	0	0	0	0	0
OFFICE AND PROFESSIONAL EMPLOYEES	5	1,466	0	0	3	1,414	0	0	0	0	2	52
ONTARIO NURSES ASSOCIATION	17	1,238	3	25	2	10	11	1,195	0	0	1	8
ONTARIO PUBLIC SCHOOL TEACHERS	20	706	3	97	6	165	3	231	0	0	8	213
ONTARIO PUBLIC SERVICE EMPLOYEES	18	595	3	153	6	107	4	74	0	0	5	261
ONTARIOSHEET METAL WORKERS	2	16	2	16	0	0	0	0	0	0	0	0
PAINTERS	9	90	9	90	0	0	0	0	0	0	0	0
PLANT GUARD WORKERS	3	53	2	45	0	0	0	0	0	0	1	8
PLUMBERS	7	94	7	94	0	0	0	0	0	0	0	0
POSTAL WORKERS	2	28	2	28	0	0	0	0	0	0	0	0
PRACTICAL NURSES FEDERATION OF	1	35	0	0	0	0	1	35	0	0	0	0
RETAIL WHOLESALE EMPLOYEES	3	19	2	5	0	0	0	0	0	0	1	14
SERVICE EMPLOYEES INTERNATIONAL	22	844	9	271	7	261	2	108	0	0	4	204
STRUCTURAL IRON WORKERS	4	54	3	54	0	0	0	0	0	0	1	0
TEAMSTERS	16	497	7	316	5	88	0	0	0	0	4	93
THEATRICAL STAGE EMPLOYEES	1	51	0	0	0	0	0	0	0	0	1	51
TRANSIT UNION (INTL.)	1	77	1	77	0	0	0	0	0	0	0	0
TYPOGRAPHICAL UNION	1	15	1	15	0	0	0	0	0	0	0	0
UNITED STEELWORKERS	33	3,050	25	1,787	5	406	1	23	0	0	2	834
OTHER UNIONS, INCLUDING EMPLOYEE ASSOCIATIONS	10	270	3	40	1	34	3	82	0	0	3	114

IX STAFF AND BUDGET 1998-99

At the end of the fiscal year 1998-99, the Board employed a total of 124 persons. The Board has two types of employees. The Chair, Alternate Chair, Vice-Chairs and Board Members are appointed by the Lieutenant-Governor in Council. The administrative, field, legal and support staff are civil service appointees.

The total budget of the Ontario Labour Relations Board for the 1998-99 fiscal year was $11.1 million.

X CASELOAD 1998-99

In fiscal year 1998-99, the Board received a total of 4,501 applications and complaints.

In addition to the cases received, 2398 were carried over from the previous year for a total caseload of 6,899 in 1998-99. Of the total caseload, 3,469 or 50.3 percent, were disposed of during the year; proceedings in 1,089 were adjourned sine die* (without a fixed date for further action) at the request of the parties; and 2,341 were pending in various stages of processing at March 31, 1999.

The total number of cases processed during the year produced an average workload of 383 cases for the Board's full-time chair, alternate chair, and vice-chairs, and the total disposition represented an average output of 193 cases.

Note: The section numbers referred to below correspond to the Labour Relations Act, 1995, S.O. 1995, c.1, Schedule A ("Bill 7").

Labour Relations Officer Activity

In 1998-99, of the five major categories of cases, the Board's labour relations officers were assigned a total of 2,740 cases to help the parties settle differences between them without the necessity of formal litigation before the Board. The assignments comprised 39.7 percent of the Board's total caseload, and included 687 certification applications, 18 cases concerning the status of individuals as employees under the Act, 915 complaints of alleged contravention of the Act, 1,037 grievances under construction industry collective agreements, and 83 complaints under the *Occupational Health and Safety Act.* (Table 3)

The labour relations officers completed activity in 1,414 of the assignments, obtaining settlements in 1,213 or 85.8 percent. They referred 201 cases to the Board for decisions; proceedings were adjourned sine die in 605 cases; and settlement efforts were continuing in the remaining 721 cases at March 31, 1999.

Representation Votes

In 1998-99, the Board's returning officers conducted a total of 748 representation votes among employees in one or more bargaining units. Of the 748 votes conducted, 653 involved certification applications, 92 were held in applications for termination of existing bargaining rights, and three were taken in successor employer applications. (Table 5)

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* ***The Board regards sine die cases as disposed of, although they are kept on docket for one year.***

Of the certification votes, 635 involved a single union on the ballot, and 18 involved 2 unions.

A total of 44,926 employees were eligible to vote in the 748 elections that were conducted, of whom 35,539 or 79.1 percent cast ballots. Of those who participated, 50.8 percent voted in favour of union representation. In the 635 elections in certification applications that involved a single union, 79.4 percent of the eligible voters cast ballots, with 51.4 percent of the participants voting for union representation.

In the 92 votes in applications for termination of bargaining rights, 75.0 percent of the eligible voters cast ballots, with only 27.4 percent of those who participated voting for the incumbent unions.

Final Offer Votes

In addition to taking votes ordered in its cases, the Board's Registrar was requested by the Minister to conduct votes among employees on employers' last offer for settlement of a collective agreement dispute under section 42(1) of the Act. Although the Board is not responsible for the administration of votes under that section, the Board's Registrar and field staff are used to conduct these votes because of their expertise and experience in conducting representation votes under the Act.

Of the twenty-four requests dealt with by the Board during the fiscal year, nine cases were granted, nine cases were dismissed, two cases were adjourned sine die, and the remaining four cases were pending at March 31, 1999.

In the 17 votes held, employees accepted the employer's offer in nine cases by 578 votes in favour to 161 against, and rejected the offer in eight cases by 4,421 votes against to 761 in favour.

Disposition Time – Major Categories

Table 7 provides statistics on the time taken by the Board to process the 3,469 cases disposed of in 1998-99. Information is shown separately for the three major categories of cases handled by the Board - certification applications, complaints of contravention of the Act, and referrals of grievances under construction industry collective agreements - and for the other categories combined.

A median of 75 days was taken to proceed from filing to disposition for the 3,469 cases that were completed in 1998-99, compared with 68 days in 1997-98; 665 certification applications were processed in a median of 27 days, same as in 1997-98; 753 complaints of contravention of the Act took 80 days, compared with 84 days in 1997-98; and 473 referrals of construction industry grievances required 20 days, compared to 24 days in 1997-98. The median time for the total of all other cases, 1,578, increased to 155 days from 116 in 1997-98.

Fifty-three point six percent (53.6) of all dispositions were accomplished in 84 days (3 months) or less, compared with 81.2 percent for certification applications, 50.7 percent for complaints of contravention of the Act, 82.7 percent for referrals of construction industry grievances, and 34.7 percent for the total of all other types of cases. The number of cases requiring more than 168 days (6 months) to complete increased to 1,058 from 737 in 1997-98. (Table 7)

Certification of Bargaining Agents

In 1998-99, the Board received 692 applications for certification of trade unions as bargaining agents of employees, a decrease of 5.6 percent from 1997-98. (Table 1)

Ten unions, each with more than 25 applications, accounted for 66.3 percent of the total filings: Labourers (85 cases), Canadian Union of Public Employees (CUPE) (58 cases), United Steelworkers (52 cases), Food and Commercial Workers (46 cases), Carpenters (43 cases), Teamsters (42 cases), Canadian Auto Workers (41 cases), Service Employees International (40 cases), Communications, Energy and Paperworkers Union of Canada (26 cases), and Ontario Public Service Employees (26 cases). In contrast, 12 unions filed fewer than 5 applications each. These unions together accounted for 3.6 percent of the total certification filings. (Table 8)

Table 9 gives the industrial distribution of the certification applications received and disposed of during the year. Non-manufacturing industries accounted for 80.6 percent of the applications received, concentrated in construction (174 cases) and health and welfare services (108 cases). These two groups comprised 50.5 percent of the total non-manufacturing applications. Of the 134 applications involving establishments in manufacturing industries, 27.6 percent were in two groups: transportation equipment (21 cases), and wood (16 cases).

In addition to the 692 applications received, 195 cases were carried over from last year, making a total certification caseload of 887 in 1998-99. Of the total caseload, 665 were disposed of, proceedings were adjourned sine die in 42 cases, and 180 cases were pending at March 31, 1999. Of the 665 dispositions, certification was granted in 415 cases; 177 cases were dismissed; and 73 cases were settled or withdrawn. The certified cases represented 62.4 percent of the total dispositions. (Table 1)

Of the 592 applications that were either certified or dismissed, final decisions in a number of cases were based on the results of representation votes. Of the 589 votes conducted, 567 involved a single union on the ballot, and 22 were held between two unions. Applicants won in 417 of the votes and lost in the other 172. (Table 6)

A total of 35,998 employees were eligible to vote in the 589 elections, of whom 30,159 or 83.8 percent cast ballots. In the 417 votes that were won and resulted in certification, 19,477 or 84.0 percent of the 23,197 employees eligible to vote cast ballots, and of these voters, 11,831 or 60.7 percent favoured union representation. In the 172 elections that were lost and resulted in dismissals, 10,682 employees participated, and, of these, 3,787 or 35.4 percent voted for union representation.

Size and Composition of Bargaining Units

Small units continued to be the predominant pattern of union organizing efforts through the certification process in 1998-99. The average size of the 416 bargaining units in the 415 applications that were certified was 66 employees, compared with 49 employees in 1997-98. The 72 units in construction certifications averaged 11 employees, and the 344 units in non-construction certifications averaged 77 employees. Seventy-three point two (73.2) percent of the total certification applications involved units of fewer than 40 employees, and 32.0 percent applied to units of fewer than 10 employees. The total number of employees covered by the certification applications granted increased to 27,299 from 21,049 in 1997-98. (Table 10)

Of the employees covered by the certification applications granted, 1,032, or 3.8 percent, were in bargaining units that comprised full-time employees or in units that excluded employees working 24 hours or less a week. Units composed of employees working 24 hours or less a week accounted for 263 employees. Full-time and part-time employees were represented in units covering 26,004 employees, including units that did not specifically exclude employees working 24 hours or less a week. (Tables 12 and 13)

Seventy-four point nine (74.9) percent of the employees, or 20,446, were employed in production and related occupations; 436 were in office, clerical and technical occupations - mainly in electric, gas, and water, and education and related services. Professional employees, found mostly in health and welfare services, accounted for 1,317 employees; a small number, 175 employees, were in sales classifications; and 4,925 were in units that included employees in two or more classifications. (Tables 14 and 15)

Disposition Time – Certifications Granted

A median time of 27 calendar days was required to complete the 415 certification applications granted from receipt to disposition. For non-construction certification, the median time was 27 days for 343 cases; and for construction certification, the median time was 40 days for 72 cases. (Table 11)

Eighty-five point five percent (85.5) of the 415 certification applications granted were disposed of in 84 days (3 months) or less, 78.2 percent took 56 days (2 months) or less, 54.0 percent required 28 days (one month) or less, and 25.2 percent were processed in 21 days (3 weeks) or less. Thirty-five (35) cases required longer than 168 days (6 months) to process, compared to 40 in 1997-98. (Table 11)

Termination of Bargaining Rights

In 1998-99, the Board received 163 applications under sections 63, 65, 66, 67, and 132 of the Act, seeking termination of the bargaining rights of trade unions. In addition, 63 cases were carried over from 1997-98.

Of the 226 cases processed, bargaining rights were terminated in 85 cases, 49 cases were dismissed, 18 cases were settled, 3 were withdrawn, proceedings were adjourned sine die in 5 cases, and 66 cases were pending at March 31, 1999.

Eighty-one representation votes were held on 134 cases that were either granted or dismissed. A total of 2,054 employees were eligible to vote in the 81 elections that were held, of whom 1,736 or 84.5 percent cast ballots. Of those who cast ballots, 210 voted for continued representation by unions and 479 voted against. (Table 6).

Declaration of Successor Trade Union

In 1998-99, the Board dealt with seven applications for declarations under section 68 of the Act concerning the bargaining rights of successor trade unions resulting from a union merger or transfer of jurisdiction. An affirmative declaration was issued by the Board in one case, and the remaining six cases were pending at March 31, 1999.

Declaration of Successor or Common Employer

In 1998-99, the Board dealt with 374 applications for declarations under section 69 of the Act concerning the bargaining rights of trade unions of a successor employer resulting from a business sale, or for declarations under section 1(4) to treat two companies as one employer. The two types of requests are often made in a single application.

Affirmative declarations were issued by the Board in 28 cases, 89 cases were settled, 7 were dismissed, proceedings were adjourned sine die in 45 cases, and 205 cases were pending at March 31, 1999.

Declaration/Direction of Unlawful Strike

In 1998-99, the Board dealt with 20 applications seeking a declaration under section 100 regarding an alleged unlawful strike by employees in the non-construction industry. Three cases were settled, proceedings were adjourned sine die in nine cases, and the remaining eight cases were pending at March 31, 1999.

Nine application were dealt with seeking directions under section 100 regarding alleged unlawful strikes by employees in non-construction industries. Four cases were withdrawn, and proceedings were adjourned sine die in the remaining five cases.

The Board dealt with 27 applications seeking directions under section 144 of the Act against alleged unlawful strikes by construction workers - 24 were new applications, and 3 cases were carried over from 1997-98. Of these, one application was granted, another was dismissed, two cases were settled, five cases were withdrawn, proceedings were adjourned sine die in fourteen cases and the remaining four were pending at March 31, 1999.

Declaration/ Direction of Unlawful Lock-out

Seven applications seeking a declaration under section 101 of the Act regarding an alleged unlawful lock-out by construction employers were processed in 1998-99. Three cases were settled, another three were adjourned sine die, and the remaining case was pending at March 31, 1999.

Three applications were processed seeking a direction under section 101 of the Act regarding an alleged unlawful lock-out by non-construction employers; all three cases were pending at March 31, 1999.

Consent to Prosecute

In 1998-99, the Board dealt with eight applications under section 109 of the Act requesting consent to institute prosecution in court against unions and employers for alleged commission of offences under the Act.

Of the eight applications processed, one was settled, another was withdrawn, two cases were adjourned sine die, and the remaining four cases were pending at March 31, 1999.

Complaints of Contravention of Act

Complaints alleging contravention of the Act may be filed with the Board under section 96 of the Act. In handling these cases the Board emphasizes voluntary settlements by the parties involved, with the assistance of a labour relations officer.

In 1998-99, the Board received 1,024 complaints under this section. In complaints against employers, the principal charges were alleged illegal discharge of or discrimination against employees for union activity in violation of section 70 and 72 of the Act, illegal changes in wages and working conditions contrary to section 86, and failure to bargain in good faith under section 17. These charges were made mostly in connection with applications for certification. The principal charge against trade unions was alleged failure to represent employees fairly in grievances against their employer.

In addition to the complaints received, 558 cases were carried over from 1997-98. Of the 1,582 cases processed, 753 were disposed of, proceedings were adjourned sine die in 178 cases, and 651 cases were pending at March 31, 1999.

In 467, or 62.0 percent, of the 753 dispositions, voluntary settlements and withdrawals of the complaint were secured by labour relations officers (Table 4). Remedial orders were issued by the Board in 17 cases, 253 cases were dismissed, 468 cases were settled, 12 cases were withdrawn, and 3 cases were terminated. (Table 1)

Construction Industry Grievances

Grievances over alleged violation of the provisions of a collective agreement in the construction industry may be referred to the Board for resolution under section 133 of the Act. As with complaints of contravention of the Act, the Board encourages voluntary settlement of these cases by the parties involved, with the assistance of a labour relations officer.

In 1998-99, the Board received 1,059 cases under this section, an increase of 3.2 percent over the previous year. The principal issues in these grievances were alleged failure by employers to make required contributions to health and welfare, pension and vacation funds, failure to deduct union dues, and alleged violation of the subcontracting and hiring arrangements in the collective agreement.

In addition to the cases received, 224 were carried over from 1997-98. Of the total 1,283 processed, 473 were disposed of; of these, awards were made by the Board in 67 cases, 8 cases were dismissed, 396 cases settled, 2 cases were withdrawn, proceedings were adjourned sine die in 556 cases, and 254 were pending at March 31, 1999.

In 396, or 83.7, percent of the 473 dispositions, voluntary settlements and withdrawal of the grievance were obtained by labour relations officers (Table 4).

MISCELLANEOUS APPLICATIONS AND COMPLAINTS

Religious Exemption – Exemption from Union Security Provision in Collective Agreement

Ten applications were processed under section 52 of the Act, seeking exemption for employees from the union security provisions of collective agreements because of their religious beliefs. One application was settled, two were dismissed, and the remaining seven applications were pending at March 31, 1999.

Early Termination of Collective Agreements

Fifteen applications were processed under section 58(3) of the Act, seeking early termination of collective agreements. Consent was granted in 13 cases, one case was terminated, and the other was withdrawn.

Union Financial Statements

Eleven complaints were dealt with under section 92 of the Act, alleging failure by trade unions to furnish members with audited financial statements of the union's affairs. Proceedings were adjourned sine die in two cases, and the remaining nine were pending at March 31, 1999.

Jurisdictional Disputes

Fifty (50) complaints were dealt with under section 99 of the Act involving union work jurisdiction. An assignment of work in dispute was made by the Board in eight cases, seven cases were dismissed, five cases were withdrawn, one case was terminated, four cases were adjourned sine die, and 25 cases were pending at March 31, 1999.

Determination of Employee Status

The Board dealt with 46 applications under section 114(2) of the Act, seeking decisions on the status of individuals as employees under the Act. Three cases were settled by the parties in discussions with labour relations officers. Determinations were made by the Board in nine cases, another three were dismissed, two cases were withdrawn, two were terminated, and proceedings were adjourned sine die in three cases. The remaining 24 cases were pending at March 31, 1999.

Referrals by Minister of Labour

In 1998-99, the Board dealt with six cases referred by the Minister under section 115 of the Act for opinions or questions related to the Minister's authority to appoint a conciliation officer under section 18 of the Act, or an arbitrator under sections 48 or 49. Proceedings were adjourned sine die in two cases, and the remaining cases were pending at March 31, 1999.

The Board also dealt with eight cases referred by the Minister under subsection 3(2) of the *Hospital Labour Disputes Arbitration Act.* Two cases were dismissed, two were settled, one was adjourned sine die, and the remaining three were pending at March 31, 1999.

Trusteeship Reports

Four statements were filed with the Board during the year reporting that local unions had been placed under trusteeship.

First Agreement Arbitration

In 1998-99, the Board processed 20 applications for directions to settle first agreements by arbitration. Two directions were issued, three cases were settled, two cases were dismissed, proceedings were adjourned sine die in five cases, and eight cases were pending at March 31, 1999.

Determination of Sector in the Construction Industry

Three applications were dealt with by the Board under section 166 asking the Board to determine whether construction work in question was within the industrial-commercial-institutional sector. One case was dismissed, and the remaining two were pending at March 31, 1999.

Occupational Health and Safety Act

In 1998-99, the Board received 87 complaints under section 50 of the *Occupational Health and Safety Act* alleging wrongful discipline or discharge for acting in compliance with the Act. Fifty (50) cases were carried over from 1997-98.

Of the total 137 cases processed, 82 cases were disposed of. Of these, 61 cases were settled by the parties in discussions with labour relations officers (Table 4). Four cases were granted, 17 cases were dismissed, proceedings were adjourned sine die in 11 cases, and the remaining 44 were pending at March 31, 1999.

Colleges Collective Bargaining Act

Three complaints were dealt with under section 77 of the *Colleges Collective Bargaining Act* in 1998-99. One case was dismissed, and the remaining two cases were pending at March 31, 1999.

Two applications were dealt with under section 82 of the Act for decisions on the status of individuals as employees under the Act. One case was granted and the other was dismissed.

Statistics on the cases under the *Colleges Collective Bargaining Act* dealt with by the Board are included in Table 1.

Appeals under The Employment Standard Act

The *Employment Standards Act* deals with workplace rights such as minimum wage, hours of work, overtime, vacation or public holiday pay, termination issues, and severance pay. Adjudicators and referees at the Board hear appeals of employment standards officers' decisions relating to any of these kinds of matters. In June, 1998, the *Employment Standards Act* was amended to transfer the jurisdiction of adjudicators and referees to Vice-Chairs at the Board.

The Board dealt with 1,547 appeals during 1998-99. Of the 832 cases that were disposed of, 71 were granted, 285 were dismissed, 431 cases were settled, 35 were terminated, and 10 were withdrawn. Proceedings were adjourned sine die in 143 cases, and 572 cases were pending at March 31, 1999. (Table 1)

Appeals under The Occupational Health and Safety Act

The *Occupational Health and Safety Act* and its regulations ensure that workers' health and safety in the workplace is protected. Violations of the Act are investigated by health and safety inspectors; orders or decisions of inspectors are the subject of appeals to the occupational health and safety adjudicator. In June, 1998, the *Occupational Health and Safety Act* was amended to transfer the jurisdiction of the occupational health and safety adjudicator to Vice-Chairs at the Board.

Four hundred and four appeals were dealt with by the Board in 1998-99. Of the 138 cases that were disposed of, 7 appeals were granted, 45 were dismissed, 59 cases were settled, 21 were withdrawn, and 6 were terminated. Proceedings were adjourned sine die in 45 cases, and 221 cases were pending at March 31, 1999. (Table 1)

Applications under The Public Sector Labour Relations Transitions Act, 1997

The *Public Sector Labour Relations Transition Act, 1997* established a separate regime of successor rights governing matters that arise out of restructuring and amalgamations in the broader public sector. The Act gives the Board the power to determine new bargaining unit configurations, to appoint new bargaining agents, and to address other collective bargaining issues that may arise from municipal amalgamations, school board changes and hospital restructuring.

In 1998-99, the Board received 126 applications under *the Public Sector Labour Relations Transition Act, 1997.* Twenty-nine (29) applications were carried over from the previous year.

Representation votes were held to determine the appropriate bargaining agent and unit(s) in 57 of the 73 cases disposed. Of the 155 cases processed, 56 cases were granted, 5 were dismissed, 58 were settled, 5 were adjourned sine die, and 31 were pending at March 31, 1999.

XI COURT ACTIVITY 1998-99

During the fiscal year 1998-99, the Ontario Court of Justice (General Division) (Divisional Court) dealt with 15 applications for judicial review. Eight of those applications were dismissed; four were discontinued or withdrawn; three applications were allowed. In one of the cases that was subsequently dismissed, a motion to stay the Board's ruling was also dismissed. One motion to quash an application for judicial review was dismissed.

The Ontario Court of Appeal allowed one appeal from a Divisional Court decision and dismissed two motions for leave to appeal.

The Supreme Court of Canada dismissed two motions for leave from Court of Appeal decisions, and granted leave in two other instances.

On March 31, 1999, there were 31 Labour Board matters pending before the three levels of Court.

All Court decisions relating to matters involving the Ontario Labour Relations Board are reported in the Board's bimonthly Reports.

XII STATISTICAL TABLES 1998-99

The following statistics reflect the activities of the Ontario Labour Relations Board during the fiscal year 1998-99.

Table 1: Total Applications and Complaints Received, Disposed of and Pending, Fiscal Year 1998-99.

Table 2: Applications and Complaints Received and Disposed of, Fiscal Years 1994-95 to 1998-99.

Table 3: Labour Relations Officer Activity in Cases Processed, Fiscal Year 1998-99.

Table 4: Labour Relations Officer Settlements in Cases Disposed of, Fiscal Year 1998-99.

Table 5: Results of Representation Votes Conducted, Fiscal Year 1998-99.

Table 6: Results of Representation Votes in Cases Disposed of, Fiscal Year 1998-99.

Table 7: Time Required to Process Applications and Complaints Disposed of, by Major Type of Case, Fiscal Year 1998-99.

Table 8: Union Distribution of Certification Applications Received and Disposed of, Fiscal Year 1998-99.

Table 9: Industry Distribution of Certification Applications Received and Disposed of, Fiscal Year 1998-99.

Table 10: Size of Bargaining Units in Certification Applications Granted, Fiscal Year 1998-99.

Table 11: Time Required to Process Certification Applications Granted, Fiscal Year 1998-99.

Table 12: Employment Status of Employees in Bargaining Units Certified by Industry, Fiscal Year 1998-99.

Table 13: Breakdown of Full-time and Part-time Employees by Certified Bargaining Units, by Union, Fiscal Year 1998-99.

Table 14: Occupational Groups in Certified Bargaining Units, by Industry, Fiscal Year 1998-99.

Table 15: Occupational Groups in Certified Bargaining Units, by Union, Fiscal Year 1998-99.

Table 1

Total Applications and Complaints Received, Disposed of and Pending
Fiscal Year 1998-99

Type of Case	Caseload			Disposed of Fiscal Year 1998-99							
	Total	Pending April 1, 1998	Received Fiscal Year 1998-99	Total	Granted*	Dismissed	Terminated	Withdrawn	Settled	Sine Die	Pending March 31, 1999
Total	6899	2398	4501	3469	804	874	50	70	1671	1089	2341
CERTIFICATION OF BARGAINING AGENTS	887	195	692	665	415	177	0	3	70	42	180
DECLARATION OF TERMINATION OF BARGAINING RIGHTS	226	63	163	155	85	49	0	3	18	5	66
TERMINATION OF ACCREDITATION	2	1	1	0	0	0	0	0	0	0	2
DECLARATION OF SUCCESSOR TRADE UNION	7	2	5	1	1	0	0	0	0	0	6
DECLARATION OF SUCCESSOR EMPLOYER OR COMMON EMPLOYER STATUS	374	182	192	124	28	7	0	0	89	45	205
DECLARATION/DIRECTION OF UNLAWFUL STRIKE	56	9	47	16	1	1	0	9	5	28	12
DECLARATION/DIRECTION OF UNLAWFUL LOCKOUT	10	3	7	3	0	0	0	0	3	3	4
CONSENT TO PROSECUTE	8	2	6	2	0	0	0	1	1	2	4
CONTRAVENTION OF ACT	1582	558	1024	753	17	253	3	12	468	178	651
RIGHT OF ACCESS	2	2	0	0	0	0	0	0	0	1	1
EXEMPTION FROM UNION SECURITY PROVISION IN COLLECTIVE AGREEMENT	10	2	8	3	0	2	0	0	1	0	7
EARLY TERMINATION OF COLLECTIVE AGREEMENT	15	1	14	15	13	0	1	1	0	0	0
TRADE UNION FINANCIAL STATEMENT	11	8	3	0	0	0	0	0	0	2	9
JURISDICTIONAL DISPUTE	50	28	22	21	8	7	1	5	0	4	25
REFERRAL ON EMPLOYEE STATUS	46	19	27	19	9	3	2	2	3	3	24
REFERRAL FROM MINISTER ON APPOINTMENT OF CONCILIATION OFFICER OR ARBITRATOR	14	3	11	4	0	2	0	0	2	3	7
REFERRAL OF CONSTRUCTION INDUSTRY GRIEVANCE	1283	224	1059	473	67	8	0	2	396	556	254
COMPLAINT UNDER OCCUPATIONAL HEALTH AND SAFETY ACT	137	50	87	82	4	17	0	0	61	11	44
FIRST AGREEMENT ARBITRATION DIRECTION	20	5	15	7	2	2	0	0	3	5	8
DETERMINATION OF SECTOR OF CONSTRUCTION WORK	3	0	3	1	0	1	0	0	0	0	2
FINAL OFFER VOTE**	24	5	19	18	9	9	0	0	0	2	4
EMPLOYMENT STANDARDS ACT (APPEAL)	1547	789	758	832	71	285	35	10	431	143	572
OCCUPATIONAL HEALTH AND SAFETY ACT (APPEAL)	404	216	188	138	7	45	6	21	59	45	221
COMPLAINT UNDER FAIRNESS FOR PARENTS AND EMPLOYEES ACT	1	1	0	1	0	0	0	0	1	0	0
EDUCATION QUALITY IMPROVEMENT ACT APPLICATION	23	1	22	17	11	1	2	1	2	6	0
PUBLIC SECTOR LABOUR RELATIONS TRANSITION ACT APPLICATION	155	29	126	119	56	5	0	0	58	5	31
PROJECT AGREEMENT APPLICATION	1	0	1	0	0	0	0	0	0	0	1
APPLICATION FOR VOTE UNDER COMMUNITY SMALL BUSINESS INVESTMENT FUNDS, MINISTRY OF FINANCE	1	0	1	0	0	0	0	0	0	0	1

*Includes cases in which a request was granted or a determination made by the Board.

**For Final Offer Votes, "Granted" indicates that offer was accepted and "dismissed" indicates a rejection.

Table 2

Applications and Complaints Received and Disposed of Fiscal Years 1994-95 to 1998-99

Type of Case	Number Received, Fiscal Year						Number Disposed of, Fiscal Year					
	Total	1994-95	1995-96	1996-97	1997-98	98/99	Total	1994-95	1995-96	1996-97	1997-98	98/99
Total	22,853	4,732	4,232	4,365	5,023	4,501	15,918	3,468	2,854	2,904	3,223	3,469
CERTIFICATION OF BARGAINING AGENTS	3,982	1,077	797	683	733	692	3,730	985	760	656	664	665
COMBINATION OF BARGAINING UNITS	253	115	138	0	0	0	197	71	115	10	1	0
DECLARATION OF TERMINATION OF BARGAINING RIGHTS	920	145	251	193	168	163	803	115	154	228	151	155
TERMINATION OF ACCREDITATION	4	0	2	1	0	1	2	0	1	1	0	0
DECLARATION OF SUCCESSOR TRADE UNION	112	15	64	0	28	5	306	216	51	12	26	1
DECLARATION OF SUCCESSOR EMPLOYER OR COMMON EMPLOYER STATUS	1,202	307	234	241	228	192	817	194	163	143	193	124
APPLICATION UNDER SUCCESSOR RIGHTS (CROWN TRANSFERS)	0	0	0	0	0	0	0	0	0	0	0	0
TERMINATION OF ACCREDITATION	4	0	2	1	0	1	2	0	1	1	0	0
DECLARATION/DIRECTION OF UNLAWFUL STRIKE	155	19	21	33	35	47	77	14	9	25	13	16
DECLARATION/DIRECTION OF UNLAWFUL LOCKOUT	32	3	5	11	6	7	18	2	3	6	4	3
CONSENT TO PROSECUTE	23	5	4	5	3	6	15	5	3	0	5	2
CONTRAVENTION OF ACT	5,316	1,216	1,111	966	999	1,024	4,027	933	806	807	728	753
RIGHT OF ACCESS	8	4	1	0	3	0	6	4	1	0	1	0
EXEMPTION FROM UNION SECURITY PROVISION IN COLLECTIVE AGREEMENT	45	8	14	12	3	8	37	6	8	13	7	3
EARLY TERMINATION OF COLLECTIVE AGREEMENT	86	16	24	12	20	4	84	4	5	2	8	5
TRADE UNION FINANCIAL STATEMENT	28	6	6	7	6	3	14	3	5	4	2	0
JURISDICTIONAL DISPUTE	157	36	32	32	35	22	115	29	20	22	23	21
REFERRAL ON EMPLOYEE STATUS	147	39	35	27	19	27	103	17	28	22	17	19
REFERRAL FROM MINISTER ON APPOINTMENT OF CONCILIATION OFFICER OR ARBITRATOR	52	10	6	15	10	11	49	15	10	8	12	4
REFERRAL OF CONSTRUCTION INDUSTRY GRIEVANCE	6,174	1,574	1,335	1,180	1,026	1,059	2,895	725	576	589	532	473
COMPLAINT UNDER OCCUPATIONAL HEALTH AND SAFETY ACT	542	98	110	141	106	87	445	89	72	110	92	82
ENVIRONMENTAL PROTECTION ACT	3	2	1	0	0	0	3	0	3	0	0	0
COMPLAINT UNDER SMOKING IN THE WORKPLACE ACT	1	0	0	1	0	0	2	1	0	1	0	0
FIRST AGREEMENT ARBITRATION DIRECTION	76	14	15	18	14	15	49	10	12	9	11	7
DETERMINATION OF SECTOR OF CONSTRUCTION WORK	5	1	0	0	1	3	4	0	2	1	0	1
FINAL OFFER VOTE	110	22	26	26	17	19	104	20	27	24	15	18
EMPLOYMENT STANDARDS ACT (APPEAL)	2,467	0	0	518	1,191	758	1,504	0	0	188	484	832
OCCUPATIONAL HEALTH AND SAFETY ACT (APPEAL)	772	0	0	243	341	188	375	0	0	13	224	138
COMPLAINT UNDER FAIRNESS FOR PARENTS AND EMPLOYEES ACT	1	0	0	0	1	0	1	0	0	0	0	1
EDUCATION QUALITY IMPROVEMENT ACT APPLICATION	23	0	0	0	1	22	17	0	0	0	0	17
PUBLIC SECTOR LABOUR RELATIONS TRANSITION ACT APPLICATION	155	0	0	0	29	126	119	0	0	0	0	119
PROJECT AGREEMENT APPLICATION	1	0	0	0	0	1	0	0	0	0	0	0
APPLICATION FOR VOTE UNDER COMMUNITY SMALL BUSINESS INVESTMENT FUNDS, MINISTRY OF FINANCE	1	0	0	0	0	1	0	0	0	0	0	0

Table 3

Labour Relations Officer Activity in Cases Processed *

Fiscal Year 1998-99

Type of Case	Total Cases Assigned	Cases in Which Activity Completed					
		Total	Settled		Referred to Board	Sine Die	Pending
			Number	Percent			
Total	2,740	1,414	1,213	85.8	201	605	721
CERTIFICATION OF BARGAINING AGENTS	687	543	473	87.1	70	26	118
Interim certificate	2	2	1	50.0	1	0	0
Other application	685	541	472	87.2	69	26	118
CONTRAVENTION OF ACT	915	405	338	83.5	67	93	417
REFERRAL ON EMPLOYEE STATUS	18	6	4	66.7	2	1	11
REFERRAL OF CONSTRUCTION INDUSTRY GRIEVANCE	1,037	407	348	85.5	59	482	148
COMPLAINT UNDER OCCUPATIONAL HEALTH AND SAFETY ACT	83	53	50	94.3	3	3	27

* Includes all cases assigned to labour relations officers, which may or may not have been disposed of by the end of the year.

Table 4

Labour Relations Officer Settlements in Cases Disposed of * Fiscal Year 1998-99

Type of Case	Total Disposed of	Officer Settlements	
		Number	Percent of Dispositions
Total	1327	927	69.9
CONTRAVENTION OF ACT	753	467	62.0
REFERRAL ON EMPLOYEE STATUS	19	3	15.8
REFERRAL OF CONSTRUCTION INDUSTRY GRIEVANCE	473	396	83.7
COMPLAINT UNDER OCCUPATIONAL HEALTH AND SAFETY ACT	82	61	74.4

* Includes only cases in which labour relations officers play the leading role in the processing of the case. The figures refer to cases disposed of during the year and should not be confused with data for the same types of cases in Table 3. Table 3 refers to new assignments of cases made to labour relations officers during the year which may or may not have been disposed of by the end of the year.

Table 5

Results of Representation Votes Conducted * Fiscal Year 1998-99

Type of Case	Number of Votes	Eligible Employees	Ballots Cast	
			Total	In Favour of Unions
Total	748	44,926	35,539	18,054
Certification	653	41,818	33,199	17,323
Regular cases				
One union	490	39,625	31,157	16,310
Two unions	9	335	214	206
Construction cases				
One union	145	1,432	1,453	466
Two unions	9	426	375	341
Termination of Bargaining Rights				
One union	92	2,935	2,202	604
Successor Employer				
One union	1	20	11	0
Two unions	2	153	127	127

*Refers to all representation votes conducted and the results counted during the fiscal year, regardless of whether or not the case was disposed of during the year.

Table 6

Results of Representation Votes in Cases Disposed of *

Fiscal Year 1998-99

	Number of Votes			Eligible Votes			All Ballots Cast			Ballots Cast in Favour of Union		
				In Votes			In Votes			In Votes		
Type of Case	Total	Appl. Won	Appl. Lost	Total	Won	Lost	Total	Won	Lost	Total	Won	Lost
Total	677	488	189	38,891	24,761	14,130	32,609	20,779	11,830	16,628	12,177	4,451
Certification	589	417	172	35,998	23,197	12,801	30,159	19,477	10,682	15,618	11,831	3,787
Regular cases												
One union	473	340	133	33,966	21,784	12,182	27,511	17,423	10,088	14,217	10,675	3,542
Two unions	12	8	4	800	648	152	1,402	1,286	116	671	563	108
Construction cases												
One union	94	64	30	791	395	396	856	439	417	378	290	88
Two unions	10	5	5	441	370	71	390	329	61	352	303	49
Termination												
One union	81	67	14	2,054	1,075	979	1,736	891	845	689	210	479
Successor Employer												
One union	3	1	2	206	21	185	177	20	157	49	9	40
Two unions	4	3	1	633	468	165	537	391	146	272	127	145

*Refers to final representation votes conducted in cases disposed of during the fiscal year. This table should not be confused with Table 5 which refers to all representation votes conducted during the year, regardless of whether or not the case was disposed of during the year.

Table 7

Time Required to Process Applications and Complaints Disposed of, by Major Type of Case, Fiscal Year 1998-99

Time Taken (Calendar Days)	All Cases		Certification Cases		Contravention of the Act Cases		Construction Industry Grievance Cases		All Other Cases	
	Dispositions	Cumulative Percent	Dispositions	Cumulative Percent	Dispositions	Cumulative Percent	Dispositions	Cumulative Percent	Dispositions	Cumulative Percent
Total	3,469	100.0	665	100.0	753	100.0	473	100.0	1,578	100.0
Under 8 days	124	3.6	18	2.7	41	5.4	13	2.7	52	3.3
8-14 days	239	10.5	18	5.4	53	12.5	122	28.5	46	6.2
15-21 days	377	21.3	161	29.6	27	16.1	122	54.3	67	10.4
22-28 days	312	30.3	162	54.0	30	20.1	48	64.5	72	15.0
29-35 days	183	35.6	59	62.9	33	24.4	45	74.0	46	17.9
36-42 days	120	39.1	38	68.6	33	28.8	11	76.3	38	20.3
43-49 days	91	41.7	28	72.8	28	32.5	7	77.8	28	22.1
50-56 days	70	43.7	11	74.4	24	35.7	9	79.7	26	23.8
57-63 days	77	45.9	17	77.0	33	40.1	2	80.1	25	25.3
64-70 days	72	48.0	9	78.3	29	44.0	5	81.2	29	27.2
71-77 days	116	51.3	4	78.9	25	47.3	5	82.2	82	32.4
78-84 days	80	53.6	15	81.2	26	50.7	2	82.7	37	34.7
85-91 days	47	55.0	2	81.5	16	52.9	3	83.3	26	36.4
92-98 days	61	56.7	5	82.3	29	56.7	4	84.1	23	37.8
99-105 days	54	58.3	4	82.9	18	59.1	2	84.6	30	39.7
106-126 days	143	62.4	14	85.0	40	64.4	9	86.5	80	44.8
127-147 days	125	66.0	10	86.5	41	69.9	2	86.9	72	49.4
148-168 days	120	69.5	10	88.0	26	73.3	6	88.2	78	54.3
Over 168 days	1,058	100.0	80	100.0	201	100.0	56	100.0	721	100.0

Table 8

Union Distribution of Certification Applications Received and Disposed of

Fiscal Year 1998-99

Union	Number of Applications Received	Number of Applications Disposed of			
		Total	Certified	Dismissed	Withdrawn
All Unions	692	665	414	185	66
ALLIED HEALTH PROFESSIONALS	1	1	1	0	0
AUTO WORKERS	3	3	2	1	0
BAKERY AND TOBACCO WORKERS	1	1	0	1	0
BOILERMAKERS	1	2	2	0	0
BREWERY AND SOFT DRINK WORKERS	11	12	8	4	0
BRICKLAYERS INTERNATIONAL	13	5	1	1	3
CANADIAN AUTO WORKERS	41	45	23	20	2
CANADIAN UNION OF PUBLIC EMPLOYEES (CUPE)	58	58	43	10	5
CANADIAN OPERATING ENGINEERS	8	7	5	2	0
CARPENTERS	43	31	17	11	3
CHRISTIAN LABOUR ASSOCIATION	7	5	1	3	1
CLOTHING AND TEXTILE WORKERS	5	4	1	3	0
COMMUNICATIONS, ENERGY AND PAPERWORKERS UNION OF CANADA	26	29	23	5	1
ELECTRICAL WORKERS (IBEW)	23	23	14	8	1
FOOD AND COMMERCIAL WORKERS	46	41	27	14	0
FOOD AND SERVICE WORKERS	3	4	4	0	0
GRAPHIC COMMUNICATION UNION	3	2	1	1	0
HOTEL EMPLOYEES	8	8	5	3	0
INDEPENDENT LOCAL UNION	5	5	0	3	2
INTERNATIONAL OPERATING ENGINEERS	21	18	8	5	5
IWA - CANADA	9	11	4	7	0
LABOURERS	85	78	37	25	16
MACHINISTS	5	4	2	2	0
NEWSPAPER GUILD	3	2	2	0	0
OFFICE AND PROFESSIONAL EMPLOYEES	9	9	8	0	1
ONTARIO NURSES ASSOCIATION	13	13	11	2	0
ONTARIO PUBLIC SERVICE EMPLOYEES	26	24	20	4	0
ONTARIO SECONDARY SCHOOL TEACHERS	2	3	2	0	1
PAINTERS	6	6	4	1	1
POSTAL WORKERS	1	2	2	0	0
PLASTERERS	5	2	0	0	2
PLUMBERS	19	19	8	5	6
RETAIL WHOLESALE EMPLOYEES	2	3	2	1	0
SERVICE EMPLOYEES INTERNATIONAL	40	42	30	7	5
SHEET METAL WORKERS	6	8	6	0	2
STRUCTURAL IRON WORKERS	6	7	4	1	2
TEAMSTERS	42	40	27	10	3
THEATRICAL STAGE EMPLOYEES	5	4	3	1	0
TRANSIT UNION (INTL.)	2	2	1	1	0
TYPOGRAPHICAL UNION	3	3	3	0	0
UNITED STEELWORKERS	52	49	32	14	3
OTHER UNIONS, INCLUDING EMPLOYEE ASSOCIATIONS	24	30	20	9	1

Table 9

Industry Distribution of Certification Applications Received and Disposed of Fiscal Year 1998-99

Industry	Number of Applications Received	Number of Applications Disposed of			
		Total	Certified	Dismissed	Withdrawn
All Industries	692	665	414	185	66
Manufacturing	134	127	71	48	8
CHEMICALS	6	6	2	3	1
CLOTHING	1	1	1	0	0
ELECTRICAL PRODUCTS	5	3	1	2	0
FABRICATED METALS	9	8	7	1	0
FOOD, BEVERAGES	12	10	5	5	0
FURNITURE, FIXTURES	4	3	1	2	0
LEATHER	1	1	1	0	0
MACHINERY	1	0	0	0	0
NON-METALLIC MINERALS	4	5	2	2	1
PAPER	4	4	3	1	0
PETROLEUM, COAL	1	1	0	1	0
PRIMARY METALS	5	4	4	0	0
PRINTING, PUBLISHING	13	12	10	2	0
RUBBER, PLASTICS	7	6	4	2	0
TEXTILES	1	2	1	1	0
TRANSPORTATION EQUIPMENT	21	21	10	7	4
WOOD	16	15	6	7	2
OTHER MANUFACTURING	23	25	13	12	0
Non-Manufacturing	558	538	343	137	58
ACCOMODATION, FOOD SERVICES	30	30	16	14	0
CONSTRUCTION	174	145	70	45	30
EDUCATION, RELATED SERVICES	30	29	20	5	4
ELECTRIC, GAS, WATER	15	14	13	0	1
FINANCE, INSURANCE CARRIERS	5	5	4	0	1
HEALTH, WELFARE SERVICES	108	110	82	23	5
LOCAL GOVERNMENT	29	26	20	3	3
MANAGEMENT SERVICES	1	2	1	1	0
MINING, QUARRYING	2	3	2	1	0
PERSONAL SERVICES	14	10	10	0	0
REAL ESTATE, INSURANCE AGENCIES	5	5	3	1	1
RECREATIONAL SERVICES	10	12	8	3	1
RETAIL TRADE	38	37	19	16	2
STORAGE	10	10	7	3	0
TRANSPORTATION	11	12	9	3	0
WHOLESALE TRADE	5	7	4	3	0
OTHER SERVICES	71	81	55	16	10

Table 10

Size of Bargaining Units in Certification Applications Granted Fiscal Year 1998-99

	Total		Construction**		Non-Construction	
Employee size*	Number of Applications	Number of Employees	Number of Applications	Number of Employees	Number of Applications	Number of Employees
Total	415	27,299	72	832	343	26,467
0-9 employees	133	629	53	242	80	387
10-19 employees	91	1,259	12	159	79	1,100
20-39 employees	80	2,210	4	88	76	2,122
40-99 employees	61	3,625	2	121	59	3,504
100-199 employees	32	4,235	0	0	32	4,235
200-499 employees	13	3,920	1	222	12	3,698
500 employees or more	5	11,421	0	0	5	11,421

* Refers to the total number of employees in one or more bargaining units certified in an application. A total of 416 bargaining units were certified in the 415 applications in which certification was granted.

** Refers to cases processed under the construction industry provisions of the Act. This figure should not be confused with the figure in Table 9, which includes all applications involving construction employers whether processed under the construction industry provisions of the Act or not.

Table 11

Time Required to Process Certification Applications Granted*
Fiscal Year 1998-99

Calendar Days (including adjourments Requested by the parties)	Total Certified		Non-Construction		Construction	
	Number	Cumulative Percent	Number	Cumulative Percent	Number	Cumulative Percent
Total	415	100.0	343	100.0	72	100.0
Under 8 days	0	0.0	0	0.0	0	0.0
8-14 days	1	0.2	1	0.3	0	0.0
15-21 days	103	25.2	94	27.7	9	12.9
22-28 days	119	54.0	104	58.0	15	34.3
29-35 days	42	64.2	35	68.2	7	44.3
36-42 days	28	70.9	24	75.2	4	50.0
43-49 days	20	75.8	19	80.8	1	51.4
50-56 days	10	78.2	9	83.4	1	52.9
57-63 days	12	81.1	10	86.3	2	55.7
64-70 days	5	82.3	3	87.2	2	58.6
71-77 days	3	83.1	3	88.0	0	58.6
78-84 days	10	85.5	6	89.8	4	64.3
85-91 days	1	85.7	1	90.1	0	64.3
92-98 days	2	86.2	2	90.7	0	64.3
99-105 days	3	86.9	1	91.0	2	67.1
106-126 days	7	88.6	6	92.7	1	68.6
127-147 days	6	89.6	2	93.3	4	72.2
148-168 days	8	91.5	5	94.8	3	76.3
Over 168 days	35	100.0	18	100.0	17	100.0

* Refers only to applications in which certification was granted. This table should not be confused with Table 7 which refers to all certification applications disposed of during the year regardless of the method of disposition.

Table 12

Employment Status of Employees in Bargaining Units Certified by Industry

Fiscal Year 1998-99

Industry	All Units		Full-Time		Part-Time		Full-Time & Part-Time		All Employees No Exclusions Specified	
	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.
All Industries	416	27,299	16	1,032	7	263	48	3,319	345	22,685
Manufacturing	71	4,593	6	338	1	4	15	1,186	49	3,065
CHEMICALS	2	329	0	0	0	0	1	298	1	31
CLOTHING	1	5	0	0	0	0	0	0	1	5
ELECTRICAL PRODUCTS	1	10	0	0	0	0	0	0	1	10
FABRICATED METALS	7	339	1	48	0	0	1	8	5	283
FOOD, BEVERAGES	5	145	0	0	0	0	1	91	4	54
FURNITURE, FIXTURES	1	302	0	0	0	0	0	0	1	302
LEATHER	1	140	0	0	0	0	0	0	1	140
NON-METALLIC MINERALS	2	151	0	0	0	0	1	25	1	126
PAPER	3	109	0	0	0	0	0	0	3	109
PRIMARY METALS	4	163	2	96	0	0	0	0	2	67
PRINTING, PUBLISHING	10	274	1	47	1	4	3	74	5	149
RUBBER, PLASTICS	4	106	1	11	0	0	1	20	2	75
TEXTILES	1	132	0	0	0	0	0	0	1	132
TRANSPORTATION EQUIPMENT	10	1,101	1	136	0	0	5	517	4	448
WOOD	6	509	0	0	0	0	2	153	4	356
OTHER MANUFACTURING	13	778	0	0	0	0	0	0	13	778
Non-Manufacturing	345	22,706	10	694	6	259	33	2,133	296	19,620
ACCOMODATION, FOOD SERVICES	16	1,089	0	0	0	0	5	194	11	895
CONSTRUCTION	72	874	0	0	0	0	1	23	71	851
EDUCATION, RELATED SERVICES	21	7,213	1	65	1	13	3	390	16	6,745
ELECTRIC, GAS, WATER	13	4,244	1	10	0	0	2	12	10	4,222
FINANCE, INSURANCE CARRIERS	4	69	0	0	0	0	0	0	4	69
HEALTH, WELFARE SERVICES	82	4,006	1	40	3	61	5	249	73	3,656
LOCAL GOVERNMENT	20	539	1	309	0	0	4	80	15	150
MANAGEMENT SERVICES	1	4	0	0	0	0	0	0	1	4
MINING, QUARRYING	2	868	0	0	0	0	2	868	0	0
PERSONAL SERVICES	10	180	1	11	0	0	1	13	8	156
REAL ESTATE, INSURANCE AGENCIES	3	35	0	0	0	0	0	0	3	35
RECREATIONAL SERVICES	8	188	2	10	0	0	2	125	4	53
RETAIL TRADE	19	963	2	192	0	0	0	0	17	771
STORAGE	7	173	0	0	0	0	1	20	6	153
TRANSPORTATION	9	202	0	0	0	0	1	10	8	192
WHOLESALE TRADE	4	95	1	57	0	0	0	0	3	38
OTHER SERVICES	54	1,964	0	0	2	185	6	149	46	1,630

Table 13

Breakdown of Full-time and Part-time Employees by Certified Bargaining Units, by Union
Fiscal Year 1998-99

Union	All Units		Full-Time		Part-Time		Full-Time & Part-Time		All Employees No Exclusion Specified	
	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.
All Unions	416	27,299	16	1,032	7	263	48	3,319	345	22,685
ALLIED HEALTH PROFESSIONALS	1	14	0	0	0	0	0	0	1	14
AUTO WORKERS	2	55	0	0	1	53	0	0	1	2
BOILERMAKERS	2	14	0	0	0	0	0	0	2	14
BREWERY AND SOFT DRINK WORKERS	8	242	0	0	2	45	2	22	4	175
BRICKLAYERS INTERNATIONAL	2	7	0	0	0	0	0	0	2	7
CANADIAN AUTO WORKERS	23	2,684	4	305	0	0	6	1,091	13	1,288
CANADIAN OPERATING ENGINEERS	5	182	0	0	0	0	0	0	5	182
CANADIAN UNION OF PUBLIC EMPLOYEES (CUPE)	43	6,269	1	309	1	13	9	476	32	5,471
CARPENTERS	17	134	0	0	0	0	0	0	17	134
CHRISTIAN LABOUR ASSOCIATION	1	5	0	0	0	0	0	0	1	5
CLOTHING AND TEXTILE WORKERS	1	115	0	0	0	0	0	0	1	115
COMMUNICATIONS, ENERGY AND PAPERWORKERS UNION OF CANADA	23	985	0	0	0	0	4	329	19	656
ELECTRICAL WORKERS (IBEW)	14	100	1	10	0	0	1	2	12	88
FOOD AND COMMERCIAL WORKERS	27	1,227	1	62	0	0	0	0	26	1,165
FOOD AND SERVICE WORKERS	4	196	0	0	0	0	4	196	0	0
GRAPHIC COMMUNICATION UNION	1	54	0	0	0	0	1	54	0	0
HOTEL EMPLOYEES	5	373	0	0	0	0	1	55	4	318
INTERNATIONAL OPERATING ENGINEERS	8	60	0	0	0	0	0	0	8	60
IWA - CANADA	4	100	0	0	0	0	1	14	3	86
LABOURERS	37	721	0	0	0	0	4	65	33	656
MACHINISTS	2	59	0	0	0	0	0	0	2	59
NEWSPAPER GUILD	2	21	0	0	1	4	1	17	0	0
OFFICE AND PROFESSIONAL EMPLOYEES	8	348	0	0	0	0	0	0	8	348
ONTARIO NURSES ASSOCIATION	11	345	0	0	0	0	0	0	11	345
ONTARIO PUBLIC SERVICE EMPLOYEES	20	830	0	0	2	148	1	12	17	670
ONTARIO SECONDARY SCHOOL TEACHERS	2	40	0	0	0	0	1	23	1	17
ONTARIO SHEET METAL WORKERS	6	62	0	0	0	0	0	0	6	62
PAINTERS	4	51	0	0	0	0	0	0	4	51
POSTAL WORKERS	2	42	0	0	0	0	0	0	2	42
PLUMBERS	8	51	0	0	0	0	0	0	8	51
RETAIL WHOLESALE EMPLOYEES	2	400	0	0	0	0	1	385	1	15
SERVICE EMPLOYEES INTERNATIONAL	30	2,183	1	11	0	0	3	265	26	1,907
STRUCTURAL IRON WORKERS	4	15	0	0	0	0	0	0	4	15
TEAMSTERS	27	696	2	59	0	0	2	101	23	536
THEATRICAL STAGE EMPLOYEES	3	16	2	10	0	0	0	0	1	6
TRANSIT UNION (INTL.)	1	10	0	0	0	0	1	10	0	0
TYPOGRAPHICAL UNION	3	43	0	0	0	0	0	0	3	43
UNITED STEELWORKERS	33	7,335	3	226	0	0	0	0	30	7,109
OTHER UNIONS, INCLUDING EMPLOYEE ASSOCIATIONS	20	1,215	1	40	0	0	5	202	14	973

Table 14

Occupational Groups in Certified Bargaining Units, by Industry

Fiscal Year 1998-99

	All Groups		Production & Related		Office Clerical & Technical		Professional		Sales		Other	
	Number	Emplys.	Number	Emplys.	Number	Emplys.	Number	Emplys.	Number	Emplys.	Number	Emplys.
All Industries	416	27,299	285	20,446	12	436	29	1,317	6	175	84	4,925
Manufacturing	71	4,593	55	3,642	3	47	0	0	1	4	12	900
CHEMICALS	2	329	2	329	0	0	0	0	0	0	0	0
CLOTHING	1	5	0	0	1	5	0	0	0	0	0	0
ELECTRICAL PRODUCTS	1	10	1	10	0	0	0	0	0	0	0	0
FABRICATED METALS	7	339	6	300	0	0	0	0	0	0	1	39
FOOD, BEVERAGES	5	145	5	145	0	0	0	0	0	0	0	0
FURNITURE, FIXTURES	1	302	0	0	0	0	0	0	0	0	1	302
LEATHER	1	140	1	140	0	0	0	0	0	0	0	0
NON-METALLIC MINERALS	2	151	2	151	0	0	0	0	0	0	0	0
PAPER	3	109	2	74	1	35	0	0	0	0	0	0
PRIMARY METALS	4	163	3	126	0	0	0	0	0	0	1	37
PRINTING, PUBLISHING	10	274	7	264	0	0	0	0	1	4	2	6
RUBBER, PLASTICS	4	106	3	40	0	0	0	0	0	0	1	66
TEXTILES	1	132	1	132	0	0	0	0	0	0	0	0
TRANSPORTATION EQUIPMENT	10	1,101	8	1,034	1	7	0	0	0	0	1	60
WOOD	6	509	6	509	0	0	0	0	0	0	0	0
OTHER MANUFACTURING	13	778	8	388	0	0	0	0	0	0	5	390
Non-Manufacturing	345	22,706	230	16,804	9	389	29	1,317	5	171	72	4,025
ACCOMODATION, FOOD SERVICES	16	1,089	8	278	0	0	0	0	0	0	8	811
CONSTRUCTION	72	874	67	812	0	0	0	0	0	0	5	62
EDUCATION, RELATED SERVICES	21	7,213	7	5,782	1	155	5	169	0	0	8	1,107
ELECTRIC, GAS, WATER	13	4,244	7	4,044	3	187	0	0	2	6	1	7
FINANCE, INSURANCE CARRIERS	4	69	2	10	1	8	0	0	0	0	1	51
HEALTH, WELFARE SERVICES	82	4,006	45	2,600	1	30	21	1,012	0	0	15	364
LOCAL GOVERNMENT	20	539	15	479	2	6	0	0	0	0	3	54
MANAGEMENT SERVICES	1	4	1	4	0	0	0	0	0	0	0	0
MINING, QUARRYING	2	868	2	868	0	0	0	0	0	0	0	0
PERSONAL SERVICES	10	180	5	57	0	0	0	0	0	0	5	123
REAL ESTATE, INSURANCE AGENCIES	3	35	3	35	0	0	0	0	0	0	0	0
RECREATIONAL SERVICES	8	188	7	184	0	0	0	0	0	0	1	4
RETAIL TRADE	19	963	11	490	0	0	0	0	3	165	5	308
STORAGE	7	173	7	173	0	0	0	0	0	0	0	0
TRANSPORTATION	9	202	6	173	0	0	1	2	0	0	2	27
WHOLESALE TRADE	4	95	3	84	0	0	0	0	0	0	1	11
OTHER SERVICES	54	1,964	34	731	1	3	2	134	0	0	17	1,096

Table 15

Occupational Groups in Certified Bargaining Units, by Union
Fiscal Year 1998-99

	All Groups		Production & Related		Office Clerical & Technical		Professional		Sales		Other	
	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.
All Unions	416	27,299	286	20,446	12	436	28	1,317	6	175	84	4,925
ALLIED HEALTH PROFESSIONALS	1	14	1	14	0	0	0	0	0	0	0	0
AUTO WORKERS	2	55	1	2	0	0	0	0	0	0	1	53
BOILERMAKERS	2	14	2	14	0	0	0	0	0	0	0	0
BREWERY AND SOFT DRINK WORKERS	8	242	7	210	0	0	0	0	0	0	1	32
BRICKLAYERS INTERNATIONAL	2	7	2	7	0	0	0	0	0	0	0	0
CANADIAN AUTO WORKERS	23	2,684	17	2,063	1	7	0	0	0	0	5	614
CANADIAN OPERATING ENGINEERS	5	182	4	176	0	0	0	0	0	0	1	6
CANADIAN UNION OF PUBLIC EMPLOYEES (CUPE)	43	6,269	31	5,114	1	4	1	27	0	0	10	1,124
CARPENTERS	17	134	16	121	0	0	0	0	0	0	1	13
CHRISTIAN LABOUR ASSOCIATION	1	5	1	5	0	0	0	0	0	0	0	0
CLOTHING AND TEXTILE WORKERS	1	115	1	115	0	0	0	0	0	0	0	0
COMMUNICATIONS, ENERGY AND PAPERWORKERS UNION OF CANADA	23	985	13	661	3	199	0	0	3	21	4	104
ELECTRICAL WORKERS (IBEW)	14	100	11	68	2	25	0	0	0	0	1	7
FOOD AND COMMERCIAL WORKERS	27	1,227	18	775	1	3	1	14	0	0	7	435
FOOD AND SERVICE WORKERS	4	196	1	97	0	0	0	0	0	0	3	99
GRAPHIC COMMUNICATION UNION	1	54	1	54	0	0	0	0	0	0	0	0
HOTEL EMPLOYEES	5	373	2	111	0	0	0	0	0	0	3	262
INTERNATIONAL OPERATING ENGINEERS	8	60	6	51	1	5	0	0	0	0	1	4
IWA - CANADA	4	100	4	100	0	0	0	0	0	0	0	0
LABOURERS	37	721	30	593	0	0	0	0	0	0	7	128
MACHINISTS	2	59	1	16	0	0	0	0	0	0	1	43
NEWSPAPER GUILD	2	21	1	17	0	0	0	0	1	4	0	0
OFFICE AND PROFESSIONAL EMPLOYEES	8	348	2	10	1	155	5	183	0	0	0	0
ONTARIO NURSES ASSOCIATION	11	345	0	0	1	30	9	301	0	0	1	14
ONTARIO PUBLIC SERVICE EMPLOYEES	20	830	8	249	0	0	6	321	0	0	6	260
ONTARIO SECONDARY SCHOOL TEACHERS	2	40	1	23	0	0	0	0	0	0	1	17
PAINTERS	4	51	4	51	0	0	0	0	0	0	0	0
POSTAL WORKERS	2	42	1	11	0	0	0	0	0	0	1	31
PLUMBERS	8	51	7	40	0	0	0	0	0	0	1	11
RETAIL WHOLESALE EMPLOYEES	2	400	2	400	0	0	0	0	0	0	0	0
SERVICE EMPLOYEES INTERNATIONAL	30	2,183	20	1,437	0	0	2	20	0	0	8	726
SHEET METAL WORKERS	6	62	6	62	0	0	0	0	0	0	0	0
STRUCTURAL IRON WORKERS	4	15	4	15	0	0	0	0	0	0	0	0
TEAMSTERS	27	696	22	616	0	0	0	0	0	0	5	80
THEATRICAL STAGE EMPLOYEES	3	16	3	16	0	0	0	0	0	0	0	0
TRANSIT UNION (INTL.)	1	10	0	0	0	0	0	0	0	0	1	10
TYPOGRAPHICAL UNION	3	43	2	34	0	0	1	9	0	0	0	0
UNITED STEELWORKERS	33	7,335	21	6,361	1	8	0	0	2	150	9	816
OTHER UNIONS, INCLUDING EMPLOYEE ASSOCIATIONS	20	1,215	12	737	0	0	3	442	0	0	5	36